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Abstract

This four-part report from the Harvard Social Studies Project describes a secondary school curriculum based on an analysis of public controversy and developed to train students to examine, through discussion and argument, the kinds of disputes that cause social conflict. The first part of the report is a discussion of the curriculum approach which is a sequence of five levels: (1) Introduction to Social Problems: The Individual within a Community, (2) Revolution, Politics and Law: Anglo-American Constitutional Development, (3) Transition and Conflict in American Society, 1865-1930, (4) Crisis in 20th Century World Societies, and (5) Introduction to the Problem of International Order. Illustrative curriculum materials are included. Part two details the testing and evaluation of the developed materials. The third part describes "discussion process concepts" and discussion approaches to different types of issues. The concluding section discusses "substantive concepts"--morality-responsibility, equality, consent, welfare-security, and property. [Not available in hard copy due to marginal legibility of original document.] (MP)

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FINAL REPORT

Project No. HS-058

Grant No. OE-3-10-142

A LAW AND SOCIAL SCIENCE CURRICULUM BASED ON THE ANALYSIS OF PUBLIC ISSUES

Malcolm Levin
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March 1969

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Bureau of Research

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Final Report

Project No. HS-058
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A Law and Social Science Curriculum

Based on the Analysis of Public Issues

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March 1969

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Bureau of Research

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Note on Authorship of Parts of the Report

Part One was written jointly by Fred Newmann and Donald Oliver.

Part Two was written by Malcolm Levin.

Part Three was conceptualized jointed by Fred Newmann and Donald Oliver. Mr. Newmann did the majority of the final writing.

Part Four is by Fred Newmann.

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PART I: THE NATURE OF THE PROJECT

by

Fred M. Newmann

and

Donald W. Oliver

1. SUMMARY

The Project was carried out in five broad stages: the initial development of materials for an experimental curriculum; the development of approaches for teaching these materials as well as their actual trial with fifty senior high school students over a three year period; evaluation of the program; revision of selected materials for publication; and the systematic consideration of concepts that we initially introduced into the program as the teaching progressed. The revision of materials for publication is an ongoing program, and is not financed by government funds.

1. Development of materials. The curriculum was originally conceived as a sequence involving six levels, as follows:

LEVEL ONE: Introduction to Social Problems: The Individual within a Community

The general purpose of Level One was to present a few cases, illustrative of the general problems to be considered throughout the curriculum, along with legal-ethical, analytic, and social science themes and concepts used to deal with the general problems:

I. A series of cases to demonstrate general problems:
   Use and Control of Violence, e.g. "The Mutiny Act"
   Standard of Living, e.g. "The Coal Mining Hills of Kentucky"
   Priority of Privileges, e.g. "Elmtown's Youth"
   Public Conformity and Dissent, e.g. "John Brown"
   Privacy, e.g. "The Amish"

II. A few cases in more complex settings to illustrate the role of humans as instrumental to change within a social system, e.g. "Deerfield," "Christian Martyrs."

LEVEL TWO: Revolution, Politics and Law: Anglo-American Constitutional Development

Having raised a series of problems in Level One, Level Two seeks to show, again through a series of cases, the kinds of legal and political institutions that have been developed to deal with the sorts of issues raised in Level One.

I. The English Experience: William the Conqueror through the English Civil War.

II. The American Experience: Focus mainly on American Revolution and Constitution and American Civil War crisis.

III. The American Political and Judicial Process

While Part I established the more formal, institutional arrangements, Parts II and III introduced some of the more informal realities in the functioning of the institutions.

LEVEL THREE: Transition and Conflict in American Society, 1865-1930

Having outlined the institutional structure in which social conflict is handled, we next presented examples of more complicated problems and examined the process by which the American constitutional system dealt with these issues. The historical context is generally between the Civil War and the Great Depression.

I. The Negro

II. Business and Industry

III. Immigration

IV. Labor

LEVEL FOUR: Crisis in World Societies: Five Societies in the 20th Century

The purpose here was to examine periods of crisis using as points of view the perceptions and values of those living in the society under study. The students' own, more Anglo-American, point of view will be discussed in the light of different cultural norms and institutions.

I. The New Deal

II. Kenya - Colonialism and Independence

III. Germany - the Rise of Nazism

IV. U.S.S.R. - the Bolshevik Revolution through the mid-thirties

V. China - Pre-20th Century Stability to Communist Revolution

***LEVEL FIVE: Introduction to the Problem of International Order**

The purpose here is to move from domestic issues to the general problem of world peace and order. Historical background is to be given to demonstrate problems of peace-keeping, national sovereignty, and international law.

I. Colonialism and the Balance of Power

II. World War I and Versailles

III. Diplomatic History through World War II

IV. Nuremberg Trials

V. Cases on the Problems of International Order: Israel, Hungary, Berlin, Cuba, Vietnam, Panama, South Africa

*LEVEL SIX: Contemporary Problems: Attaining the "Good Life"

This was to be the most open-ended part, giving students the opportunity to reconsider, redefine, rethink issues raised earlier, and to consider anew the basic dilemmas of modern man. The problems and dilemmas might be categorized as:

Economics (production, employment, population, technology)

Race and Ethnic Assimilation - Isolation-Autonomy

Politics (sovereignty and the consent process)

Philosophical, Psychological, and Personal Fulfillment

Although materials were initially developed and edited by the Project staff, they were in almost all cases read and critiqued by content specialists.

The approach of the curriculum was what might be called "case-concept." The cases tend to be dramatic specific descriptions of societal or "human" events. The purpose of the classroom dialogue is to use the case at hand to move a discussion from specific-concrete to more general analytic concepts which might allow a more powerful statement of problems and alternative ways of dealing with these problems. It is clear that the more general analytic concepts developed in the classroom are selected eclectically. They are derived in part from

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*Some materials were developed for Level V, but none were taught due to lack of time. No materials were developed or tried for Level Six.

relevant academic disciplines and partly from the common discourse of the culture as revealed through media and the students themselves. It is also clear that the purpose of discussion is not simply analysis and understanding; there is pressure to see the discussion as prelude to personal clarification of social decisions and value clarification.

The Project staff worked closely with fifty "average" students over a three year period in grades ten through twelve in teaching the curriculum. About two hundred students in the same high school were also taught the materials in loose collaboration with the Project staff. There were at least four Project teachers in action at any single time. Sometimes teaching was done with two teachers teaching a group of 25 students in tandem; at other times the groups were divided into groups of about a dozen. The major purpose of the trial was not simply to "test" the materials in any scientific sense; rather it was to constantly challenge the staff to develop new and more relevant means by which to communicate and discuss important issues with the students.

The systematic evaluation of the program is somewhat complicated, but the results are summarized briefly below.

Three written tests were constructed to measure learning outcomes directly relevant to the Project curriculum: a Concept Application Test consisting of 57 multiple choice and matching items; four open-ended short essay questions; a structured Dialogue Analysis Test consisting of five short answer questions of each of four short dialogues, two presented on tape and two on paper.

In addition we constructed an open-ended factual recall test to compare students on retention of factual information about major topics in American history. A standardized test assessing learning outcomes of a Problems of Democracy course published by Educational Testing Service was also used.

The groups compared in the assessment program were a) average high school seniors taught Project materials by the Project staff; b) average high school seniors taught Project materials by regular teachers; c) average high school seniors who studied a regular high school curriculum; and d) very bright high school seniors who studied a regular high school curriculum. With some exceptions the relative positions of the four groups supported our predictions. The bright non-project group ran away with the Problems of Democracy test, even compared to average students in the same POD classes with them. The Project group did as well as the other two controls on this test. The bright group also scored somewhat higher than the Project group on the multiple choice Project Concept Application Test, although the difference did not reach statistical significance. The Project group scored significantly higher than the average groups using either Project materials or taught by a standard curriculum.

On the multiple choice Dialogue Analysis Test, the bright students did as well as the Project students, suggesting that if given enough cues, academically able students can do without special training the kind of critical analysis of social issues for which the Project students required a great deal of training. On the open ended Dialogue Analysis Test, however, the Project students scored, on the average, ten points higher than all of the other groups, including the academically bright group.

The results on an open ended American history recall test indicate that the Project students as well as the control group which studied Project materials suffered in terms of straight recall of American history facts.

In another major aspect of the evaluation, Project students were compared with three other groups in a setting which involved free leaderless discussions in two-man groups. Students were simply asked to read a fairly complicated case study, and then discuss it . These dialogues were rated along a number of dimensions and a number of important critical thinking operations categorized and counted. Strictly speaking, Project students' dialogues were rated significantly higher than average control students who did not study Project materials only on Sensitivity and Mutual Inquiry scales. They were rated higher than average control students who did study Project materials only on the scale of Overall Quality. The academically bright control group did significantly better than the Project group, however. In general, Project dialogues also appeared to be characterized as lower on scales of Emotionality, Disagreement, Combat Posture, and Repetition than the three control groups.

Results of analyzing these dialogues in terms of critical thinking categories, as opposed to scales, are consistent with the findings above. Project students did consistently better than the two control groups which were of equal academic ability, but less well than the bright group.

In general we were disappointed that the Project group did not perform substantially better in the dialogues. One reason suggested in the report is that the Project students were somewhat "tired" of discussing such issues, while the control groups looked upon the task as something quite new and exciting.

The last major part of the report is an explication of the major concepts in the curriculum. These are of two kinds: concepts used to understand aspects of discussion which bear directly on the problem of having a productive conversation; and substantive concepts which are involved in the issues under discussion. For example, in considering the problem of productive conversation, one can think of objectives in such terms as transmitting the truth, social opining, adversarial combat and persuasion, and problem solving and clarification. Law training and debate training, for example, are construed mainly as combat and persuasion. The Project curriculum is directed more at explicating strategies which lead toward clarification. Another example of concepts related to productive conversation are the distinctions between policy issues, moral or value issues, definitional issues, and empirical issues. Productive conversation depends not only on an individual's ability to see the direction in which the discussion is progressing, but also on much more elementary skills, such as sensitivity to what other members of the group are saying (not simply talking to oneself) and making explicit transitions when one wishes to change the subject.

The second part of the conceptual explication in the report deals with five substantive problem areas: morality-responsibility; equality; welfare-security; consent; and property. The section on morality-responsibility discusses types of obligations and duties, alternative meanings of obligation, bases of moral judgments, sources of moral principles, rule oriented vs. situation oriented ethics and the free will issue. The section concludes with a section describing the concepts of moral responsibility most clearly relevant to the discussion of public issues.

The section centering on the issue of equality deals with the many definitional problems surrounding the concept, various justifications given for "unequal" treatment, and various types of discrimination intended to achieve equality. It also lays out a number of the inherent dilemmas surrounding the problem of achieving greater equality. These include the problem of assessing when equality is apparently "achieved," the limitations imposed by the fact of scarcity, the conflict between equality and competing values such as freedom and diversity, and the problem of determining wherein responsibility for unequal treatment rests.

The section dealing with the issue of welfare-security discusses the "frame of reference" problem (what jurisdiction is to be made secure), the requisites of national security, as well as two broad issues of national welfare-security: the problem of competition vs. cooperation (or independence vs. interdependence), and the problem of loyalty and treason. The section then moves on to the welfare-security problem construed in personal terms. A major issue here is the location of responsibility: Is the state, the family, the individual, etc.,the final agency of responsibility for the individual's welfare and security? Another related issue is the problem of violence. In what ways can violence be justified? Pragmatically, how is violence best controlled? And even more fundamentally, how is violence defined? Should a definition extend beyond the use of direct physical coercion and injury?

The section on consent deals with the common assumption that people should participate in decisions which affect them. It raises such problems as: To what extent can power be legitimately delegated? To what extent is "representation" a proper and realistic type of consent? It also deals with the majority rule and minority rights issue. Finally, a number of values which commonly compete with that of consent are discussed: competence, efficiency, wealth, legality, and conscience.

The final section discusses the concept of "property." The issues developed are: establishing ownership; limitation on the acquisition and use of property; the problem of distributing wealth.

There is a clear relationship between the questions pursued with students in the curriculum and the more scholarly and abstract treatment of the issues presented in this final section of the report. Each case tends to provoke a number of issues, which are then made part of the curriculum; this last section is an effort to give the teacher a systematic overall picture of the major kinds of issues within which cases can be viewed. It is a deliberate attempt to break away from the "disciplines" approach which views materials largely in terms of university categories (history, anthropology, sociology, politics, economics, etc.) and move toward an issue-or-problem-centered set of categories. While we have done this within the curriculum simply as "questions for the students," it is done in the last part of the report as a systematic overview to create a "new social studies" based on persisting social policy questions rather than historical and social science questions.

2. INTRODUCTION

The Harvard Social Studies Project has developed curriculum materials, teaching approaches, and evaluation devices based on the conviction that the analysis of public controversy should command the primary attention of the teaching of the social studies in the public secondary schools. The rational for this position has been developed in the earlier work of the Project (*Teaching Social Issues in the High School*, by Oliver and Shaver). The approach described in this report differs in a number of important ways from other curricula with regard to basic objectives. The central purpose of our efforts is not to train students to ask and answer the kinds of questions considered by historians, economists, sociologists, or lawyers; it is not to teach the "structure" of any particular discipline or of the disciplines in general; it is not to teach the substantive findings of the disciplines; nor is it to teach "critical thinking" as a set of skills, at least as they are commonly defined in social studies literature. This is not to say that the findings and intellectual processes of the disciplines are excluded from the curriculum. On the contrary, concepts, models, and materials from the social sciences, law, and philosophy are included at almost every step. It is certainly assumed that they illuminate, clarify, and provide analytic power for construing social disputes and assessing avenues to their solution. The most broadly stated objective is to train students to examine and analyze, through discussion and argument, the kinds of disputes that give birth to social conflict. By considering a variety of situations throughout history and across cultures, by viewing the situations in terms of various social science concepts and theories, and by weighing various methods for reaching and justifying positions, students will hopefully gain powers of analysis that will aid them in discussing value dilemmas on which public controversy thrives.

Phases of the Project

The Project has pased through roughly five stages: development of materials; experimental trial of materials, including development of various teaching tactics; evaluation; revision of materials and teaching tactics for general distribution; and a systematic statement of concepts and distinctions upon which the Project is based.

Development of Materials

Very early in the Project a "scope and sequence" for a curriculum was developed. The initial basis for the scope of the curriculum was that it would revolve around five problem areas: use and control of violence; competition and coping for a reasonable standard of living; bases for various priorities of privilege; problems associated with dissent and change: and the problem of achieving a balance between the demands and requirements of society as opposed to the maintenance of personal privacy. The basis of sequence was that the curriculum would move from fairly simple short self-contained case material to broader more complex societal and institutional issues. This led us to the idea of "levels." The levels are defined as follows:

LEVEL ONE: Introduction to Social Problems: The Individual within a Community

The general purpose of Level One was to present a few cases, illustrative of the general problems to be considered throughout the curriculum, along with legal-ethical, analytic, and social science themes and concepts used to deal with the general problems:

I. A series of cases to demonstrate general problems:
   Use and Control of Violence, e.g. "The Mutiny Act"
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   Public Conformity and Dissent, e.g. "John Brown"
   Privacy, e.g. "The Amish"

II. A few cases in more complex settings to illustrate the role of humans as instrumental to change within a social system, e.g., "Deerfield," "Christian Martyrs."

LEVEL TWO: Revolution, Politics and Law: Anglo-American Constitutional Development

Having raised a series of problems in Level One, Level Two seeks to show, again through a series of cases, the kinds of legal and political institutions that have been developed to deal with the sorts of issues raised in Level One.

I. The English Experience: William the Conqueror through the English Civil War.

II. The American Experience: Focus mainly on American Revolution and Constitution and American Civil War crisis.

III. The American Political and Judicial Process

While Part I established the more formal, institutional arrangements, Parts II and III introduced some of the more informal realities in the functioning of the institutions.

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II. Kenya - Colonialism and Independence

III. Germany - the Rise of Nazism

IV. U.S.S.R. - the Bolshevik Revolution through the mid-thirties

V. China - Pre-20th Century Stability to Communist Revolution

*LEVEL FIVE: Introduction to the Problem of International Order

The purpose here is to move from domestic issues to the general problem of world peace and order. Historical background is to be given to demonstrate problems of peace-keeping, national sovereignty, and international law.

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III. Diplomatic History through World War II

IV. Nuremberg Trials

V. Cases on the Problems of International Order: Israel, Hungary, Berlin, Cuba, Vietnam, Panama, South Africa

*LEVEL SIX: Contemporary Problems: Attaining the "Good Life"

be the most open-ended part, giving students the opportunity to reconsider, redefine, rethink issues raised earlier, and to consider anew the basic dilemmas of modern man. The problems and dilemmas might be categorized as:

Economics (production, employment, population, technology)

Race and Ethnic Assimilation - Isolation-Autonomy

Politics (sovereignty and the consent process)

Philesophical, Psychological, and Personal Fulfillment

As our curriculum development plans materialized, only part of level five and none of level six was actually developed within the framework of the original project. Subsequent to the original project, plans on these two levels have moved forward. Level five materials are now being tested in the school, and conceptualization of level six problems is moving ahead.

The Process of Developing Materials

The actual production of materials went through roughly five stages: conceptualization of a unit, including the specific documents needed for a unit: the creation of drafts of documents; editing of draft documents; submission of documents to a "content expert" who made comments on the factual validity of the document; and finally, re-editing and preparation for teaching.

In general, an "inner staff" consisting of senior project staff members (Oliver and Newmann) and advanced doctoral students carried out the initial conceptualization of units. The actual preparation of documents, either adapting from previously written material or creation of new material was carried out both by the inner staff and a large number of case writers, the major portion of whom were graduate students in the university. The editing of draft documents was done alomst exclusively by senior staff members. Content advisors were recruiting from all over the academic community, for example, Harvard, Boston University, Amherst College, Smith College, Rutgers University, and New York University. An effort was made to identify academics who were sympathetic to the unconventional approach of the curriculum.

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* Some materials were developed for Level V, but none were taught due to lack of time. No materials were developed or tried for Level Six.

A major push was made in the summer of 1964 to create a great number of case materials by bringing together case writers, some high school students, and the Project staff into a single context. This proved quite efficient as a way to create, edit, and try out materials in a superficial way. Its success, however, depended on a great deal of research preparation of case topics so that case writers did not have to begin from scratch.

It is significant to note that in the creation of materials, there was little concern for tactics of teaching. The major criteria were a general sense that a document contained pregnant issues for discussion and that its style, tone and vocabulary made for a readible document. The test for these criteria was generally a discussion among staff members: if the staff was easily aroused to controversy over the substance of a document, it was assumed that students might be.

Reproducing the materials. As the materials went through final editing, some attention was given to format and art work. This was, however, minimal. The curriculum was essentially mono-media -- print. We had neither the resources nor the talent to develop other media, and we chose to make the most of printed materials by searching for interesting and provocative selections. The materials actually placed before students were bound books, 8 1/2 by 11 inches, offset reproduced on good quality paper with flexible cardboard covers. In all some 13 of these books were created, each some 200 to 300 pages in length. A great many materials were developed for teaching on a day to day basis, all of which were mimeographed and given as "handouts."

Trial of Materials

The major purpose of the Project was to develop materials and subject them to field trial. The trial was not seen as a scientific testing of the program, but rather as a clinical setting within which teaching tactics would be generated which might make the materials more teachable: What questions, exercises , or other devices would tend to push high school students into the materials, and have them become involved in the questions embedded there? In line with this objective a field situation was set up in which the central staff of the project accepted responsibility for teaching approximately fifty students over a three year period. The central staff consisted of the Project directors (Oliver and Newmann) and two to four doctoral students. The high school students constituted two "normal" class groups of about 25 students each which met the first two periods of the day. At least two teachers were responsible for each group. The "over-staffing" of the groups was used in a variety of ways. At various time a) classes were taught in smaller groups; b) two teachers would be in a regular class together carrying on a dialogue with each other and with the students· c) students would meet in small groups of five or six students supervised by two or more teachers. The staff held almost daily meetings to assess the success or failure of each effort, and to plan new tactics for coming lessons.

The actual curriculum materials and teaching aids were used not only with the fifty students which the Project staff taught, but with about 200 students taught by two or three regular Newton High School teachers. The regular Newton teachers met with a Project staff member each week in a kind of briefing session to go over the work for the coming week, and to review the reactions of students to work done in the previous week.

The students in Newton High School who were involved in the curriculum were designated by the system as "Curriculum IIA". This meant that some were still expected to go on to college, but the chances of going to prestigious liberal arts colleges or engineering schools were slim. (Students preparing for such colleges were designated Curriculum I.) Most students, were, in fact, terminal.

Curriculum materials were also tried out in a less formal way in Arlington (Mass.) High School with some informal feedback.

Variety of Approaches Used in Teaching the Materials

While the Project began with a research bias, we were early informed by the U.S. Office of Education that the major work of the program was seen as developmental. As it turned out, the momentum of the teaching challenge channeled almost all of the energy of the Project into the problem of developing materials and teaching them. Below are examples of tactics used to make the materials more teachable.

Model discussions. We found that students have little sense of the criteria which might be employed to evaluate the quality and direction of discussion. To help teach such criteria, especially the problems of issue stating, agenda setting, relevance, transitions in issue stating we developed the procedure of recording brief "before" and "after" discussions. For example, one discussion might have four or five "students" each talking about a different issue, insensitive to the fact that they are not responding to what seems important to the others. A second discussion might redo the first, showing how the students can effect a transition from "blind issue stating" into a self conscious process of setting an agenda. In this latter phase, the students agree to discuss one issue at a time, systematically moving from one to the other. There is no mystery about how such tapes can be made. Teachers and students can easily develop before and after tapes along the lines suggested in Taking a Stand (published by American Education Publications), which is a revision of many such ideas worked out in the Project.

Deliberate discussion. In this technique students divide into two teams. The whole class focuses on a common issue, e.g., Should labor unions or companies use violence to break or make a strike effective? Each team is to defend one side of this issue. The interesting twist is that each team can generate only one statement at a time, which is recorded on audio tape. As a result there is considerable activity on each team to consider a variety of possible things to say to the last statement made by the other team. The final result is a coherent discussion on tape, which can be used for analysis in a subsequent class. The major advantage of the deliberate discussion is that it slows down the process of statement making, so that each statement comes after a process of explicit deliberation. The analysis of the tape also allows students to rethink whether statements actually recorded were the most appropriate at that point in the discussion.

The evaluation panel. In this approach students are broken into approximately five man groups. Two students are assigned to discuss an issue; three students act as observers or judges. At timed intervals the judges stop the discussion and consider whether it is "going anywhere." The major purpose of this technique is to encourage students to listen carefully to each other. Our general observation has been that students listen mainly to the teacher and are relatively insensitive to each other. It is useful to have a brief list of criteria for the judging group to have before it from which to make their comments. (See Taking a Stand.)

The public hearing. In this technique a panel of students is designated to become a judgmental panel to question students who are role playing various "interested parties" in a controversial public issue. The issue, for example, might be whether or not to set up a coffee and coke lounge in the basement of the high school. Relevant interest groups such as the vending machine company representative, parents, teachers, students, and janitors might then come to testify for or against the proposal. The purpose of this technique is to encourage students to take initiative in asking the right questions to develop the major issues.

Discussion review summary. In the discussion review summary the student is asked to chart the main ideas that have been developed in the discussion and to evaluate discussion progress. It is preferable to designate students in advance for this task, so that they become observer-listeners rather than participants.

All of these techniques have an overarching objective: to teach the student that discussions lead somewhere, either to consensus or toward greater clarification of the various positions in the argument. This requires that we teach and evaluate "discussion progress" as conscientiously as conventional teachers evaluate the recall of lectures and text material.

Techniques such as those suggested above were developed mainly to give the student a self-conscious sense of discussion process and progress. Of equal importance were the substantive questions and inductive exercises designed to get the students into the case materials. To get an idea of the range of such possible questions and exercises we would refer to the category Persisting Questions which are encorporated in to the materials presently available as the Public Issues Series. (These materials are included with this report and are available in published form.)

Evaluation

The Project has carried on two major types of evaluation: informal clinical evaluation of the ongoing teaching, and systematic evaluation of the program at its termination. The results of the first type of evaluation are expressed in the revised teaching and testing materials included in the Public Issues Series. The results of the second are included in this report. It was also our intention to include in the Project systematic research assessing high school student's constructs regarding the nature of social issues. This work was originally inspired by George Kelly's Psychology of Personal Constructs and the work of Fred Newmann using a version of Kelly's Construct Repertory Test on high school students to get at their view of authority. The assumption was that basic research into student construct patterns would be a powerful form of evaluation; changes in constructs might be attributable to instruction. Our initial efforts to develop a modified Rep Test to get at such constructs, however, were frustrated by the student lack of motivation in taking the tests. The tests were apparently seen as neither intrinsically exciting nor as a significant part of school. It soon became apparent that this kind of data would require time and interview resources which far exceeded those which the Project had.

Our evaluation resources were invested mainly in the development of rating and content evaluation schemes to assess the quality of oral discussion, and the development and use of fairly conventional pencil and paper instruments. Two preliminary validation studies were carried out in the early days of the Project on the use of content analysis to evaluate both written and oral material. The final types of evaluation instruments were:

1. Pencil and paper measures developed by the Project to assess the student's ability to analyze public issues.

2. A standardized pencil and paper measure to assess the traditional content of a problems of democracy course.

3. An open ended American history recall test.

4. A rating instrument assessing performance of two-man groups discussing a controversial issue.

5. A content analysis system assessing performance of two-man groups discussing a controversial issue.

The final testing program turned out to be somewhat anticlimactic. By the end of the third year the staff was well aware of the major obstacles which stood in the way of major breakthroughs in the student's ability to approach public issues in a more disciplined and systematic way. It had become obvious that teaching disciplined discussion was more complex than teaching a foreign language and required at least as much practice. Second, we were beginning to realize that the ideological framework of our curriculum (value conflicts within a social contract polity) was not shared by many of our students. Many students continued to see public controversy mainly in power terms (the powerful groups get their way, so why argue?) or what might be called "the progress of history" (historical solutions to public controversy are somehow magically worked out by reasonable men, and the solutions are always for the best). Finally, the culminating testing program was administered in the spring of the students' senior year of high school. Needless to say, motivation to take tests which really didn't "count " was not high.

It is probably fair to say, therefore, that what we are calling the clinical evaluation of the program, the day to day insights gained by the staff from teaching and discussing teaching, was more valid and valuable than the final systematic evaluation. Again, these insights have been translated into revised teaching materials and teaching guides in the Public Issues Series.

Revision of Materials

As teaching materials were developed and tried, there were increasing pressures to solve the problem of general dissemination. Inquiries from teachers and schools arrived in a steady stream. A number of publishers expressed willingness to publish the materials and the teaching ideas that were developed with them. In the process of talking with publishers, we learned that few, if any, however, were willing to meet the conditions under which we wished to have the materials disseminated: we wanted the units to be packaged in some flexible form which would allow teachers to use whatever topics best suited their needs. Although we had developed a scope and sequence for the Project curriculum, we thought it unnecessary and undesirable to require teachers to use whole courses simply to try out parts of the curriculum that seemed most interesting or attractive to them. The only publisher which seemed willing to undertake such a venture in flexible packaging was American Education Publications, now a subsidiary of the Xerox Corporation.

A contract was negotiated between Xerox and the Project directors which provided for the development of a series of unit books for 48 to 64 pages. For the period of the contract (three years) normal royalty payments were to be channeled into a development fund to further develop and disseminate the program. In the first two years of publishing, the program appears to be self-sustaining. There are currently some sixteen titles accompanied by eight page teachers guides including factual and analytic tests. There is also an overall teachers guide for the program. The sixteen titles currently available are:

The American Revolution
The Railroad Era
Taking a Stand: Discussion Guide
Religious Freedom
The Rise of Organized Labor
The Immigrant's Experience
Negro Views of America
Municipal Politics
The New Deal
Rights of the Accused
The Lawsuit
Community Change
Colonial Kenya
Communist China
20th Century Russia

The program is still moving forward, albeit without government funds. Four new unit book titles are in the process of development based on materials originally developed by the Project. Level Five (International Conflict), which was only partially developed during the Project, is now moving forward and is being tried with high school seniors.

Conceptual Basis of the Project Curriculum

Part three of this report consists of an explication of the major concepts and distinctions upon which the curriculum is based. The development of these concepts went through three phases. Our first notion was that problem areas such as the control of violence, priority of privilege, and dissent and change would provide heuristic direction in the development of cases. Once the cases were developed they would lend themselves to analysis by a variety of intellectual structures. Our assumption was that these structures would be selected eclectically: whatever problems and analyses seemed most salient to the staff and the students would become the basis of discussion. In the next phase we developed a "grid" in which various academic disciplines were related to types of questions. Each grid could apply to a single pregnant case or whole unit. For example:

	Policy Questions	Value Questions	Definitional Questions	Factual Interpretive Questions
Sociology				
Economics				
Politics				
History				
Ethics				

The purpose of the grid was to provide the teacher with a more systematic way of "milking" cases of the various issues and angles from which they might be discussed. The major difficulty with the grid was that types of questions did not seem independent of the various disciplines. Economics, for example, is loaded with fact-explanation-interpretation kinds of questions. Philosophy and ethics obviously center on value questions. Moreover, it is clear that a policy question contains within it value questions, definitional questions, and factual issues.

We finally decided to break away from the disciplines not only for the initial conceptualization of a problem, but also for the substance as well. This resulted in a systematic statement containing two parts:

a revised and refined statement of our position regarding initial strategies of clarification (delineation of issues into various parts with appropriate strategies for the analysis of each); and the development of five substantive problem areas. These are morality-responsibility, equality, welfare-security, consent, and property. Looking at problems from this perspective, the social science disciplines become mainly explanatory handmaidens for the clarification of factual issues which are themselves embedded in broader issues.

3. THE CURRICULUM APPROACH

The Harvard Social Studies Project was directed toward teaching high school students of average ability to clarify and justify their positions on public issues. The Project used historical, fictional, and contemporary situations as illustrations of basic value conflicts. It introduced a number of concepts and theories from the social sciences, law, and philosophy. And it attempted systematic instruction directed at the development of discussion skills.

We would emphasize that the term "public issues" is not synonymous with "current events." By public issues we mean problems or value dilemmas persisting throughout history and across cultures. The situations of Christian martyrs in Rome, a bureaucrat in Nazi Germany, a slave in 19th-century America, or a Cuban refugee in Florida in 1966, all represent important public issues. We believe that most of the important current events of modern America can be clarified by reference to public issues in other places and other times. Thus, in all our units we suggest parallels between historical illustration of persisting human dilemmas and present issues in the United States.

The units might also be useful in teaching the social sciences (e.g., economics, political science, psychology, sociology). Most policy issues can be interpreted and analyzed with reference to social science concepts and theories, many of which are mentioned explicitly in the materials. For example:

Economics - the railroad unit deals with concepts of competition, profit, price determination, market.

Political science - the American revolution unit treats concepts of legitimate authority, power, sovereignty; the Parson's Point Case suggests various theories on political process.

Psychology - the Negro unit focuses on theories of racial difference and self-concept.

In addition to social science issues treated in the materials, many cases invite development and application of new social science insights into human situations.

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Clarification Through Discussion

We can divide the approach used in the Harvard Social Studies Project into three basic elements:

The analysis of public controversy in terms of prescriptive, descriptive, and analytic issues

The use of distinct strategies for justification and clarification of one's views on such issues

Systematic attention to the discussion process as one deals with a controversial issue.

These elements are explained in some detail in the unit book Taking a Stand, but we shall review that material briefly here.

Identifying Issues

Any given situation or case can stimulate controversy in a number of directions, depending upon the type of question or issue that concerns the participants or observers. By way of illustration, consider the following brief case:

> Mrs. Webster's Rooming House
>
> Ever since her husband died, Mrs. Webster had struggled to eke out a living from the small rooming house she operated. She was quite disturbed when the state passed a law that, among other things, prohibited discrimination on the basis of race, religion, or nationality in the renting of rooms. She didn't really like members of minority groups, especially Negroes. But, more important, Mrs. Webster felt that if she rented rooms to such people her regular boarders might get angry and move out. "It's my property," she told her neighbors, "and no one has the right to tell me whom I must allow to sleep in my house."
>
> One night Mrs. Webster was disturbed at dinner by the ring of her doorbell. "A traveler to occupy my vacant room," she thought happily. When she opened the door she saw the face of a Negro. "My name is Mr. Jones. I've looked all over town. Do you have a vacant room for me tonight?" he asked. Mrs. Webster hesitated. "No, sorry we're all full."

Prescriptive issues. This case might provoke disagreement on several levels. One level involves judgments about what should or ought to be done -- judgments concerned with the legitimacy, the rightness or wrongness of actions and policy. These are prescriptive issues, which would be expressed as follows: Was it right for Mrs. Webster to reject Mr. Jones? Should the state outlaw racial discrimination in private houses used as rooming houses? What types of objections or protest by Mr. Jones or other Negroes would be legitimate? Should legal rights or moral rights be considered more important?

We could further classify prescriptive issues in such categories as:

> Personal conviction and conscience. (What should Mrs. Webster do? or what would you do in her situation?)
>
> Public policy. (Should the Government do anything to regulate renting practices of Mrs. Webster?)
>
> Ethics. (Which value is more important -- the owner's rights of "private property" or the tenant's right to "equal opportunity"?)
>
> Law. (Is it "unconstitutional" to prohibit discrimination by law?) These various types of prescriptive issues are, of course, related. The purpose of differentiating them as finer categories is simply to show ways in which we might clarify our thinking by carefully distinguishing which issue we choose to discuss.

Descriptive issues. After identifying a number of prescriptive issues, our discussion of Mrs. Webster might turn to a different type of question. For example: Were there other places for Mr. Jones to stay? Was Mrs. Webster prejudiced? Would refusing Mr. Jones a place to stay affect his future adversely or hurt him in any way? Why do people dislike members of different races? Do Southerners have attitudes different from Northerners on this problem? How would other boarders react to Mr. Jones's presence and why? Would Mrs. Webster lose any business?

Questions like these focus on problems of fact -- describing people's behavior in the past, present, or future; interpreting what the world is actually like; and explaining why certain circumstances presumably occur. Such questions, rather than prescribing what should be done, attempt to describe happenings and account for them.

We can distinguish among several different types of descriptive issues:

> Those concerned with whether or not specific events or conditions occur (Were there other places for Mr. Jones to stay? Would the other tenants move out?)
>
> Those concerned with discovering relationships between events and conditions.

We notice several ways in which issues about relationships are raised:

> Causal claims. (Mrs. Webster is prejudiced, because she was raised in the South and taught to dislike Negroes.)
>
> Associative claims. (Southerners tend to be more prejudiced than Northerners.)
>
> Interpretive or speculative claims. (It's against human nature to mix the races; allowing people to stick with their own kind gives them a sense of security and belonging.)

Descriptive claims concerned with relationships are generally used to explain why an event has happened or will happen. Strategies that may be used to support facts and explanations are discussed in Taking a Stand and briefly in this section.

Analytic issues. Finally, we identify analytic issues. These questions focus not on "what should be done," nor on "what is the meaning of a word or phrase or problem?" Social controversy often revolves on a disputed meaning of words or concepts. In the Webster case we might have a hard time deciding what we mean by "prejudiced" or "equal opportunity" or "property rights." If our positions depend upon the use of these terms, then it is important to define them clearly and consistently.

Another kind of analytic dispute often arises over the way we construe the problem itself -- arguments about which issues are most important. For example, suppose we ask two discussants to list major issues in the Webster case.

A's Issues:

Did the law prohibit Mrs. Webster from discriminating?
    Was Mrs. Webster informed of the law?
    Was the law passed according to constitutional procedures?

B's Issues:

Was it right for Mrs. Webster to lie to the Negro?
  Does the Negro have a moral right to equal treatment?
  Would it be right for the Negro to do the same to whites if he owned a rooming house?

A and B disagree about how to look at the problem. We might conclude that A is most concerned with legal issues and B with moral issues. They seem to have analyzed the problem according to different frameworks. In order to discuss the case profitably, they would first have to reach some agreement on which issues are most important. This would be solving an analytic problem.

Although we have distinguished prescriptive, descriptive, and analytic issues as different types of problems, they usually cannot be kept separate during a discussion of public issues. The purpose of dealing with them separately here is to suggest that there are various avenues of inquiry available in the classroom

The first step in the teaching plan for a given case or controversial situation might be to list several examples of each kind of issue. It is helpful to list the issues in question form. The teacher might begin discussion of the case by concentrating on one kind of issue, or he might simply explore with the students the issues that seem to be most important from their point of view.

Having thought of several issues beforehand, based on a preanalysis of the case, the teacher should be better prepared to direct the discussion. He will then know which issues are irrelevant or relate only indirectly to his particular objectives. One of the best methods of identifying issues for analysis in the classroom is to provoke a discussion with other teachers and friends and see which issues emerge. How do they see the case? Which issues are most salient and important to them?

Strategies of Justification and Clarification*

The analogy. One of the most powerful techniques for dealing with prescriptive issues is to suggest that the issue would be resolved differently in a number of related cases. Thus we might begin with a specific case (such as that of Mrs. Webster); identify the issue that seems most relevant (should the Government tell Mrs. Webster how to run her business); identify another case that is similar in the sense that it raises the same issue (the analogy), and see how we feel about the policy as it applies to the second case.

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* For a full statement of such strategies, see Part One of Section Five.

By way of illustration, note the following dialogue:

Sam: The Government should not tell Mrs. Webster how to run her business.

Louie: Suppose Mrs. Webster ran a restaurant. In order to save money, she served leftover food the next day. Occasionally the food spoiled and customers got food poisoning, but since most of the customers were transient, moving through town, they never really complained. Do you think the Government should force Mrs. Webster to abide by certain health standards?

Sam: Yes, of course.

Louie: Well, that's Government control. I thought you were opposed to Government interference with a person's business.

Sam: Well, a restaurant is different from a rooming house. It affects a person's health.

Louie: Getting a good night's rest also affects your health. If Mr. Jones has to sleep out in the cold, Mrs. Webster is hurting him -- maybe even more than a person who just has a stomachache from old food.

Sam: But this is in her own home. She shouldn't be forced to open her home to strangers who make her feel uncomfortable.

In this conversation the related case (or analogy) made Sam seek an important distinction between the original case and the analogy to explain why he felt differently about the two instances of Government control. The first distinction seemed unpersuasive because (as Louie pointed out) sleep may be as critical to good health as food. The second distinction seems somewhat more persuasive: if the business is carried on within the surroundings of one's own home, shouldn't there be less Government control?

The power of the analogy stems from the fact that it provokes discussants to make distinctions and qualifications that strengthen and clarify positions. Sam can no longer say that he is generally against all types of Government control of business; he is obviously for Government control under certain circumstances, which serves to qualify his position.

The persuasive power of the analogy depends largely on people's desire to maintain a consistent position. When confronted with a challenging analogy they will:

> Reverse their original position. ("O.K., I guess you're right -- if they can interfere with restaurants, they should also be able to control rooming houses.")
>
> Maintain their original position by showing how the analogy is different from the original situation. ("Interference is justified in the restaurant, but not in the rooming house, because the two situations are different in very important ways....")
>
> Qualify their original position. (Mrs. Webster is justified in turning away Mr. Jones only if we construe the rooming house as essentially her private "home" and only incidentally a place of business.)

Students often see a challenging analogy only as a means of "showing up" or "beating" one's adversary rather than helping discussants reach more complicated justifications of their views. It is also commonly seen as a rhetorical or sophistic trick used by the teacher (or other students) to put a person on the defensive. The student viewing the analogy as a trick is likely to say simply, "that's different," and assume that he has met the challenge. To this, the teacher has only to say, "How is it different?" It is very important for the teacher to help students work toward important and useful distinctions and qualifications, rather than simply to corner them and watch them submit.

In this sense, imperfect but provocative analogies are often as useful for teaching as very close and powerful parallel situations. The analogy is a useful tool for clarification precisely because it tends to lead toward distinctions and qualifications. It also tends to lead confusion, unless the group can go beyond the analogy and arrive at a distinction.

Evaluating Evidence. In dealing with descriptive issues, the major problem lies in the evaluation and accumulation of evidence. There are several strategies in building evidence toward factual conclusions, some of which are illustrated in the following conversation:

1. Helen: Southerners are more prejudiced against Negroes than Northerners.
2. Sue: I don't think so. The Southerners I know are all very liberal; they have Negro friends and even work for civil rights.

3. Helen: Well, you must know an unusual group, because I read in a Newsweek survey that a higher percentage of Southerners than Northerners are against Negro progress.
4. Sue: I don't trust those general surveys. You should look at people's behavior, not what they say about their attitudes.
5. Helen: O.K. Here is some behavior. More Negroes leave the South and go North than vice versa; most of the segregated schools are in the South; Southern congressmen oppose civil rights legislation more than Northerners.
6. Sue: That doesn't mean that Southerners dislike Negroes more than Northerners. There are more jobs in the North, because of bigger cities; segregated schools can be good schools; opposition to civil rights isn't against Negroes, it's against the power of the Federal Government interfering with state government.

Evidence is given in the following forms, each of which can be challenged by the other:

Personal observation and experience (No. 2)

Reference to "authoritative" sources or documents (No. 3)

Specific claims assumed to be illustrations of more general conclusions (No. 5)

"Common sense" reasoning (No. 6).

Evidence should be judged as to how reliable, valid, or representative it is. In the example above, Helen questions Sue's personal observation as being too narrow a sample of the overall picture (No. 3), and Sue questions the validity of Helen's authoritative source (No. 4).

Studies in the methods of history and the social sciences would seem to be particularly helpful in leading students to more sophisticated strategies for dealing with descriptive issues.

Defining terms and making distinctions. Dealing with analytic or definitional issues can lead to serious concern for the making of distinctions that serve to differentiate possible meanings of words and alternative kinds of issues, as in this dialogue:

Tom: I don't see why you call Mrs. Webster prejudiced.
Jake: It said in the case she didn't like Negroes.

Tom: Not liking something isn't the same as being prejudiced against it. Suppose apple pie makes me sick, so I decide I don't like it. Does that make me prejudiced?

Jake: No, because you've had some experience with apple pie. You tried it, instead of prejudging it.

Tom: Well, if Mrs. Webster had experience renting to Negroes and she concluded that she did not like them, then would she be prejudiced?

Jake: No, I would call her biased against Negroes, but not prejudiced. It's not just a matter of liking or disliking -- it's whether you've had enough experience on which to make your judgment.

Tom: Actually, whether she was prejudiced or not is pretty irrelevant to the main question of whether her action was legal.

Jake: I thought we were arguing about whether her action was morally right, which is different from legality.

The process of defining terms and making distinctions can be made easier for students by the teacher's suggesting some general criteria or categories. In the preceding dialogue two such distinctions were made: between an attitude based on experience (bias) and an attitude not based on experience (prejudice); between legal and moral questions.

The validity of these criteria or categories is then tested against specific examples (apple pie).

To interpret public controversy in terms of the three basic types of issues described is, in itself, an analytic operation involving categories and distinctions. This interpretation can be tested by looking closely at the kinds of issues people commonly argue about. When taken to an extreme, distinction-making and abstract analysis can become academic hair-splitting. But when this extreme is avoided, useful clarification can occur.

Discussion Process

The purpose of discussion. The analysis of public issues can occur in many different settings:

An individual reflecting and studying in a quiet library

A class listening to the lecture of an expert or teacher

A smoke-filled committee room in which politicians argue about which positions to take

An informal party where people toss out random opinions for the sake of conversation

The seminar or coffeehouse round table, which is the "model" setting that the Project envisions.

But great pessimism about the value of discussion is sometimes expressed. The following are among the reasons given for this pessimism:

"Arguments have only one purpose -- to win, and that gets you nowhere."

"People just don't ever change their minds."

"It's just a matter of opinion, so what's the use of talking."

"Most arguments are just pooled ignorance -- if people took time to gather the facts carefully, there would be little to discuss."

While there is certainly some truth in these charges, they do not justify dismissing discussion as an important method for testing and validating positions on public issues. We shall respond to the points separately.

People with opposing views do not have to adopt a combat posture in conversations; instead they can be taught to value mutual clarification and exploration. Rather than assuming the purpose of conversation to be the defense of views one held previous to the discussion, we can think of discussion as an opportunity to develop and work out what one's views actually are. This involves looking at discussion as a process for mutual inquiry and clarification, rather than combat.

Changing one's mind when confronted with a more reasonable position is not necessarily a mark of inferiority. On the contrary, one should be more respected for being sensitive to new evidence or valid arguments. Stubborn adherence to a position just for the sake of winning or saving face is irrational. We can and should reward people for conceding and qualifying their positions, instead of ridiculing them for "losing" or "giving in."

People often believe that matters of "opinion," on such topics as religion or politics, have no "right" answers and cannot be resolved through rational discussion. This assumption, strengthened by contact with people of strong opinion, leads to the tolerant notion that each is entitled to his own opinion, with the implication that all opinions are equally valid.

We disagree. "Opinion" issues can be resolved through rational discourse. There are objective standards for judging the rationality and validity of positions and thereby showing that some opinions are better than others. The standards by which we can evaluate a person's position are discussed in detail in Taking a Stand. Briefly, a position or opinion that is supported by reliable evidence, that is consistent, that takes into account analogous situations, and that offers useful definitions of vague terms is more valie than a position that is unsupported by evidence, inconsistent, insensitive to analogies, and uses ambiguous language.

The assumption that most issues can be settled by acquiring factual information (as opposed to discussion) is unacceptable. First, discussion is an important vehicle for communicating "factual" information and for deciding at what points more information is needed. Second, we would argue that it is humanly impossible, for the student as well as the citizen, to gather all relevant information before making most decisions. We are inevitably forced to decide before we can muster enough information. Discussion can make our "uninformed" decisions more rational. Finally, even assuming that it would be possible to settle factual issues through the accumulation of evidence, there still remain ultimate questions of value and meaning. Such questions cannot be resolved simply by gathering information. What we consider to be valid evidence is itself largely determined by our positions on nonfactual issues.

Teacher's posture in discussion. In applying this philosophy of discussion to the classroom, the teacher becomes a facilitator, helping students to make conversations with each other more productive. If the teacher is to offer a model of some of the attitudes toward discussion suggested above, it is necessary that he not only listen and respect student opinions, but actually consider changing his own mind when confronted by students who present rational justification.

The teacher cannot appear as a truth-giver who has all the answers, but must arrive at his positions in the process of exploring student views. This approach rejects the assumption that adults have more defensible positions than young people. To admit that a student might come up with a more rational position than the teacher involves some humility by the adult, but without this posture, neither student nor teacher will be able to construe discussion as a process of mutual clarification.

Open-ended issues that involve emotion-laden value commitments present both a risk and a challenge to teacher and students. The risk lies in a person's sense of frustration when confronted with ambiguity, the lack of clear "answers," or the difficulty of arriving at logical justificationf for "gut-level" feelings. The sense of satisfaction and intellectual accomplishment. His objective should not be to have the student master tidy bits of information, but to have the student understand the complexity of a problem and be able to make his position reflect that complexity. Consensus may not be reached, and doubts may remain; but this is more realistic than leaving a student submerged in meaningless facts.

Evaluating discussion progress. Teachers who have used the discussion process have been confronted with several problems. These problems are illustrated by the following questions:

How long does one discuss an issue?
When is an issue resolved?
What must happen in a discussion before we can be satisfied that something has been accomplished?

There are several possible "benchmarks" in discussion:

When people reach consensus

When people decide they can never agree -- a deadlock

When people are just tired or can't think of anything else to say

When a person has changed his mind from his original position

When some arbitrary time period has elapsed.

None of these is really adequate for determining that a discussion has been productive. Whether people agree or disagree or whether minds have been changed is probably not relevant to the quality of discussion.

In order to better measure the quality of discussion, we would advocate a different benchmark:

> When discussants (or observers of a discussion) conclude that their positions seem more complex -- in the sense of including distinctions, qualifications, stipulations, etc. -- than when they began.

Building Custom Programs

Thus far our description of the approach has been directed at the teaching of one case or document. We have not addressed ourselves to the problem of building units to fit together as consistent parts of some greater "whole." Public controversy, we believe, has no single substantive structure, in the sense assumed for mathematics, physics, or economics. The teacher can organize materials around his own schemes and structures, depending upon his objectives. We shall suggest, however, alternative schemes for relating cases and units to each other.

Historical Topic Approach*

Materials can be organized according to relatively standard, conventional, historical topics: revolution, labor, immigration, business, race, etc. It is interesting to note the variety of issues and kinds of controversy that occur within a given topic. For example, the unit on railroads involves issues such as Government control vs. private enterprise; defining the "public interest;" the ethics of business competition; and the effect of technology on changing social customs and roles. All these issues are related by their connection to a common topic -- the railroad industry. This gives some sense of structure to the variety of cases included.

Chronological-Historical

One of the most familiar devices for organizing social studies material is sequence in time, or chronology. Cases from different units could be put together in a historical string.

Social Science Topics

If a teacher is primarily interested in communicating definite concepts and generalizations from the social sciences, he could select cases that have special relevance to a particular academic field. Important economic understandings can be taught by using the Railroad unit. The American Revolution and Parson's Point are useful for political science. Aspects of psychology can be explored in many of the cases where we find different kinds of human emotion: Adam Cooper (American Revolution) reacting to violence; Richard Wright (Negro unit) and the problem of humiliation; the identity of John Nichols in the Immigration unit.

Value- or Issue-Oriented Approach

Rather than start with historical topics, one could define a number of cricial issues or value-conflicts and then collect cases from different contexts that illustrate similar issues or controversies. For example, we could consider such basic issues as: use and control of violence, providing for dissent and change, right of privacy, majority rule versus minority rights.

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* The organization of materials in the trial at Newton was roughly historical-topical (see Section Four).

The unit on religious freedom, for example, can include cases from several historical periods with different kinds of problems -- Christian martyrs in Rome, Puritans in 17th-century Massachusetts, Amish and Jehovah's Witnesses in modern America. The problem of violence might be explored with such cases as "Oliver Wiswell" (American Revolution), "Battle at the Overpass" (Labor), "Black Boy" (Negro) and "The Mutiny Act." Although the historical contexts are different, the basic issues are similar.

Current Problems Approach

Current events or pressing contemporary problems can be used as a basis for organizing the materials. It might be somewhat difficult to see which units are immediately relevant to a topic, such as the war in Vietnam. A closer examination, however, reveals that The American Revolution deals with the problem of patriotism and loyalty; the religion cases deal with conscientious objection. Other units are more obviously concerned with "current events" -- Labor, the Negro in America, and Parson's Point.

Simplicity-Complexity Dimension

To any of the above approaches to organization, one can also apply the general notion of beginning with relatively "simple" cases or situations and moving to the more complicated. The social situation represented in the "Mutiny Act" involves fewer conflicts, groups, roles, and decisions than does the situation in "Parson's Point." The problem in "Dyke's Bonanza" (Railroad unit) involves fewer variables and issues than does "Centertown's TV Tempest" (Railroad unit).

Obviously, selection of content should be sensitive to the reading level requirements of your students. Some cases are more simply written than others. Students can begin with these and progress through the more difficult ones.

Materials and Strategies

Since the Project is based on "case materials" to be used in a "case study approach," a brief presentation of our conception of the case method is in order.

In general, case studies are investigations of single institutions, decisions, situations, or individuals. The object is to gather somewhat detailed information about a relatively small class of phenomena, such as the growth of a corporation, the decision to drop the atomic bomb, the living conditions of a Negro family in an urban slum, or the behavior of a politician seeking election. Case studies focus intensively on limited situations rather than on sweeping sets of events. But it is assumed that examination of a limited incident will yield conclusions applicable to a more general class of incidents.

The nature of the case materials can vary considerably. The kinds of case materials used in the Project are described as follows:

Story and vignette. Written in the style of a novel, these cases portray concrete events, human action, dialogue, and feelings; they tell of episodes about individuals and may represent authentic events, as in historical novels, or they may be totally fictitious. The vignette is a short excerpt, or slice of a story, without a complete plot. For illustrations, see "Oliver Wiswell" (American Revolution); "Black Boy" (Negro in America).

Journalistic historical narratives. These are told as news stories or narratives of concrete events. Relatively little characterization of individuals is used. It could be an hour-by-hour description of an event or it might be an eyewitness account, describing the actions of institutions as well as individual people. For an illustration, see "Battle at the Overpass" (Labor).

Research data. These are reports of experimental and survey studies, with statistical data that can be used as empirical evidence in the testing of factual claims. For illustrations, see "Statistics on Racial Differences" (Negro in America) and "Meeting of Railroad Presidents" (Business).

Documents. These include court opinions, speeches, letters, diaries, transcripts of trials and hearings, laws, charters, contracts, commission reports. Public documents have the status of formal and legally valid records. For illustrations, see "Vanderbilt's Defense" (Business) and "Mr. Livermore's Testimony" (Labor).

Text. The text is a general statement of institutional trends and history, excluding details about individuals except to illustrate generalizations. The text can be considered a case only if the document is critically analyzed. The text usually explains as well as describes events by giving definitions, causal theories, and explicit "reasons" for the occurence of events. It presumably offers objective knowledge, and will usually be accepted by the student at face value because he assumes it to be unbiased truth. The introduction and overviews in the materials are illustrations of text material.

Interpretive essay. Clearly intended as explanation and evaluation, the essay reaches interpretive conclusions on issues such as "Who caused the American Revolution?" "Are there genetic differences between races?" Essays, unlike texts, attempt to develop and support a position, not just to report and explain it. For illustrations, see "Three Theories of Political Process" (Parson's Point); "Theories of Racial Differences" (Negro in America).

These different types of material have been presented in a rough order of ascendency from (1) personal, dramatic, concrete human stories (story, vignette, journalistic historical narrative), to (2) more "objective" abstract facts and generalizations about individuals and institutions (documents, research data, text), to (3) highly abstract interpretations (interpretive essay). As we progress through this order of ascendency, the material increasingly provides its own construction of a problem, rather than laying out the raw experience and challenging the student and teacher to construe the problem.

It is important to recognize the differences in case materials for at least two reasons:

> They lend themselves to different types of analysis (the more concrete materials providing mainly personal statements of a problem; the more abstract providing categories in which to place the emotionally charged issues).
>
> Novelty and variety are crucial in order to keep instruction alive and students involved.

Teaching Strategies

Variety. Despite our emphasis on discussion, it is certainly inadvisable to have student discussions every day. Other types of lessons commonly used by the project include:

> Traditional lecture of carefully organized content
>
> Reading cases aloud in class
>
> Writing analogy cases
>
> Hard-probing Socratic dialogues between teacher and a few students
>
> Games and role-playing
>
> Films

Writing briefs and position papers

Many types of student discussion in small groups.

There is no one strategy that always seems to "work"; it is necessary to use a variety of techniques not only to avoid boredom but also because some strategies seem appropriate to achieve particular objectives.

The inductive approach. The inductive (or "discovery") approach allows students to search for and reach conclusions on their own, rather than having the conclusions (or knowledge) explicitly given to them by the teacher. Case study materials (except for the text and interpretive essay) are most conducive to this general approach.

It is important, however, to distinguish between two ways of applying the approach. The open-ended approach occurs when the teacher has not previously decided what knowledge or conclusions the students are supposed to gain from the study of a case. The teacher himself is willing to entertain whatever issues and approaches the students suggest, so long as these issues and approaches seem serious and relevant. For the teacher to be truly commited to this idea, we think he himself should be somewhat tentative or undecided about issues raised by the case material.

By way of contrast, the closed inductive approach occurs when the teacher already has in mind the knowledge, structures, or conclusions that students are expected to discover. The teacher will, with varying degrees of subtlety, lead or prompt the student to reach the "right" conclusions. (Suppose, for example, in studying the growth of railroads, the teacher wants to emphasize the importance of reducing cost as a way of increasing profits. If the student suggests that one may "raise the price of the goods," and thereby increase profits, the teacher will not really be satisfied. "Think of another way," he will prod.)

Most of the stories and vignettes assume the use of an open-ended inductive approach. There are many possible ways to construe most of the issues, and the Project is unable to tell teachers which are the best or "right" ways for their particular situation. It is also possible, however, to use the cases as material for closed inductive teaching when the teacher is able to specify the particular lessons, generalizations, morals, etc. that he believes the cases illustrate or confirm.

Search for additional cases. Most of the situations in the materials are relatively unfamiliar to students -- generally they have occurred in distant places and have happened to adults, not adolescents. Public issues are, therefore, relatively distant concerns compared to the immediate, day-to-day, personal problems on which students spend much of their energy. The challenge is to stimulate some involvement, and to demonstrate the relevancy and importance of public issues to the lives of inexperienced, uninitiated, and usually unconcerned students.

In discussing the problem of slavery in 19th-century America, we test a definition of slavery by suggesting that children might be considered to be "slaves." In developing a concern for the problems of government regulation of the railroad and business in general, we suggest an analogy dealing with possible government regulation of TV programming "in the public interest." These are just a few examples of an attempt to make the larger issues alive and meaningful to students.

Analogies can be presented in many forms. A few sentences, giving the bare outline of a situation, can be introduced into a discussion. For example, in connection with private property rights in the Webster case, the teacher might ask, "Suppose 15 tough-looking hoodlums with knives tucked in their belts came to the door and demanded a room. Would Mrs. Webster be justified in refusing them?"

In addition to such "skeleton" analogies, more detailed written cases can be prepared. In planning for the discussion on Mrs. Webster's property rights, the teacher might collect a number of newspaper articles about people evicted from their homes. He might then use these articles as a basis for writing stories or journalistic accounts of apparent violations of property rights through eminent domain, breach of contract, etc. The writing can be done by the teacher or the students. When students write their own analogy cases, they may improve their ability to see relationships between otherwise unrelated situations. Analogy writing provides an opportunity for students to investigate national or local problems independently and to express themselves through various media (short stories, plays, pictures, etc.).

Carrying on fruitful discussions often depends upon the introduction of an interesting or stimulating analogy just when the issue seems to have been solved or the discussion is bogged down.

Making Classroom Discussion Productive

Basing Discussion on Case Information

Students must have the facts of a case immediately available in order to get involved in a discussion. If they attempt discussion of large and general issues without having read or reviewed information, the discussion is unlikely to start with any enthusiasm, and it may degenerate into meaningless generalizations and speculation. To avoid this problem, we suggest involving the student in the case immediately, even before the discussion begins. This can be done by:

Giving a short quiz on the facts of a case previously assigned

Discussing answers to "facts of the case" in the unit book

Reading the case or parts of it aloud in class

Showing a film providing related information.

Generally, we have found it unproductive to begin discussions with the student "cold."

Focusing on a Specific Decision

Questions that lead to consideration of specific actions -- "Should Billy Budd be hanged?" -- seem to provoke more lively discussion than questions aimed at more abstract issues -- "Is rehabilitation or punishment the better way to treat criminals?" Although the teacher may wish students to discuss the case in more general and abstract terms, we find that unless initial involvement in the case is based on a concern for the decision or action of specific individuals, it is unlikely that students will grasp the importance of the more general and abstract issues. The specific dilemmas and choices of individual people -- "Was it right for the employer to fire Jeff Sargent?" -- are the most effective ways to lead students to consideration of the more general issues -- "What are the legitimate rights of management and labor?"

The ideal approach is to alternate between the specific and abstract levels. Perhaps the abstract level is most appropriate for summarizing and concluding one's position on issues, but the concrete, specific level serves to ignite debate.

Socratic Dialogue

One of the most effective ways to stimulate involvement and discussion is to show the student how the positions he takes appear to be inconsistent. The Socratic dialogue (sometimes called devil's advocate or alternating protagonist), in which the teacher spends a good deal of time talking with one student rather than just asking for random opinions of several, is an effective way to challenge the consistency of a student's positions. The approach can be illustrated by taking one of the dialogues dealing with the case of Mrs. Webster's rooming house and changing it to a teacher-student dialogue. It can be seen as involving distinct steps: (We abbreviate the statements.)

		Operation
Sam:	Government control of business is bad.	General value claim.
Teacher:	What about inspecting restaurants?	Analogy that challenges claim by raising a conflicting value: health.
Sam:	Government should enforce health standards.	Supports the conflicting value.
Teacher:	That's Government control.	Points out inconsistency.
Sam:	Restaurants are different.	Challenges the analogy.
Teacher:	Sleep and food both affect health.	Defends analogy.

Presumably the discussants would then continue arguing about the validity of the analogy, or new general value claims might be suggested as a justification for Sam's position (e.g., "integration is bad, because it will lead to violence").

For the teacher to be an effective Socratic protagonist, he must anticipate beforehand possible general value claims that students might make in support of their position on a case. He must prepare an analogy that challenges a value that students generally believe in. (The analogy should be sufficiently similar to the task for the student to find a distinction that makes the analogy inappropriate.)

The use of analogies to challenge positions is usually effective, but the teacher must not be the sole provider. If the students come to depend on the teacher to think of critical analogies, then students will be lost in their discussions with each other. Students should be continually encouraged to provide their own challenging analogies to the teacher's positions and their own.

Although the Socratic approach can produce lively arguments, this is not its central purpose. The teacher who plays harsh adversary to everything a student says is unlikely to accomplish what we consider the major objection of discussion: the development of rational justifications of positions. The purpose of suggesting challenging analogies is to lead the student to a qualified and more complex justification of his position. Let us suggest by a "before" and "after" sequence how a person's position can be developed through the use of challenging analogies. In Mrs. Webster's case, let us assume Sam has the following position:

Before: Mrs. Webster should be allowed to refuse service to the Negro because she owns the house and the government should not be able to tell a person what to do with his property.

Analogy introduced: Government inspection of restaurants -- public health.

After: Under certain conditions, especially for reasons of public health, the Government should be able to regulate private property. However, there is a difference between health regulation and social regulation; the Government does not have a right to tell people that they have to mix with each other. Whether a person is Negro, Italian, or Jewish, he should be prepared for the fact that he may not be welcome in a person's home. Laws cannot force people to like each other.

The "after" position is more complicated. Sam now makes a distinction between health and social regulation; he makes a generalization about human nature to support his position, and he applies the situation to the general problem of ethnic differences. Obviously, through further probes, this position might become even more complicated or possibly be reversed. This cannot occur, however, if the Socratic dialogue is seen simply as an argumentative game where one person "wins" and the other "loses." There must be constant effort at improving, rather than destroying, each person's position.

Activities

We shall suggest here different classroom activities through which students became involved in the analysis of issues in the unit books.

Student Position Papers

Before discussion begins, each student is asked to write a "brief" similar to a lawyer's attempt to create an airtight case. This includes not only a statement of the student's position, but also a detailed justification and a listing of reasons for that position. The students should also prepare rebuttals to anticipate counterarguments that opponents of the position might take.

The position papers of two students with opposing views might be used as a stimulus for class discussion or analysis of the papers. After class discussion, position papers can be rewritten. The teacher and students can note whether discussion has had any effect on modification of original positions. It is also useful to analyze good and bad position papers on a persisting question.

The position paper has a number of advantages. It allows students to develop logical thought in unpressured, private reflection -- an alternative to developing a position in oral discussion that may be preferred by some students. It also provides a specific stimulus on which other members of the class may focus their analysis. Instead of talking generally about an issue, they talk about Joe's or Mary's position on an issue. This is cricial if the students are to see differences between the positions of different people.

Role-Playing

In order to have students understand and emotionally relate to points of view different from their own, it is useful to allow students to act out unfamiliar roles: students representing different interest groups for such problems as regulation of TV, labor practices, the fight for Parson's Point, members of religious minorities encountering resistance from the larger community, patriots and loyalists in the American Revolution.

Role-playing can be executed by actually writing a script for each person and creating a dramatic production; or it can be handled on an ad-lib basis, in which the student has a detailed description of the character he represents but decides on the spot exactly what to say. In general, the more unfamiliar the role (e.g., a white upper-class suburban student playing a lower-class urban Negro), the more detailed description and background is necessary.

Deliberate Discussion

One technique for insuring careful attention to statements made in discussion is to have a group of students deliberate, discuss, and decide "what to say next" to a previous statement created by another team or group. After team "A" comes up with its "best" statement, it is tape-recorded and played to team "B." Team "B" is given time to deliberate how to respond. It then creates and records the response which is played to "A." This forces students to think carefully about one statement at a time. Deliberate discussion proceeds much more slowly than a normal discussion, where participants generally talk continuously in a rapid-fire sequence that leaves little time for reflection.

Deliberate discussions have several objectives:

The production of a total "good" discussion

The production of a deliberately poor discussion

The performance of particular operations within a discussion (e.g., analogy and analogy challenge, stipulation, concession, evidence, etc.)

The illustration of different ways to decide on a discussion agenda.

After tape-recording a deliberate discussion, the entire class can analyze and evaluate the quality.

Analysis of Tapes

Whichever discussion technique is used, it is useful to have a tape recording of the discussion and to analyze the final product. A number of questions to pursue during the analysis are: Were the discussants listening and responding to each other? Did they stay on the subject? Where did the discussion bog down, and how could it have been improved? Were important issues omitted?

We have found that students (or adults) rarely listen to each other carefully, and they do not even listen to themselves, frequently forgetting what they've said. Close listening and evaluation of tapes presumably help develop listening skill. Students generally find it enjoyable, although sometimes embarrassing, to hear themselves. The tape-recorded discussion seems to carry an authority or seriousness comparable to that of student essays or position papers that are typed, dittoed, and distributed to the class "in print."

Grouping for Discussion

There are numerous ways in which students may be grouped. Some possibilities:

> Debating teams of two or four students each present their views in front of the rest of the class.
>
> A small group of five to eight students discusses while other students listen and evaluate.
>
> Two-men pairs carry on dialogues in different parts of the classroom.
>
> Teams of about six students can operate in several ways: opposing teams can engage in a deliberate discussion; four teams can make separate tape-recorded discussions that are then played to the whole class; within each six-man team, two people can discuss an issue -- each with one "coach" or helper -- and the final two can evaluate.

The teacher can play devil's advocate, moderator, or resource person for these various combinations. Tapes made by one group can be played to other groups for analysis.

4. ILLUSTRATIVE MATERIALS

The materials developed by the Project were initially reproduced by offset or mimeograph. This is the form in which they were first taught to students. For the past two years we have been in the process of selecting, revising, augmenting and adapting these materials for general dissemination through the Public Issues Series. The Public Issues Series is published and distributed by American Education Publications, and all revised materials may be ordered directly from them at the following address:

AEP Unit Books
Education Center
Columbus, Ohio 43216

The following five cases are samples of these materials. In addition to the materials and study questions (called "persisting questions" in the Series), teaching guides and tests have also been developed for each unit. One guide or teaching overview and set of tests is also included in this section.

Case from Level I, Part I

TROUBLE AT CAMP LONE PINE *

Camp Lone Pine, in the wilderness of northern Maine, seemed an ideal place for a boy to spend his summer. Each year about 175 young men, ranging in age from 12 to 18, came to camp for eight weeks of vigorous outdoor life. The camp, with a staff of 30 experienced counselors, provided excellent training in woodcraft and sports. The boys also had opportunities to pursue interests in arts, crafts, and music.

"Camp Lone Pine," said the brochure, "provides a unique experience for boys of all faiths and backgrounds. Together they confront the beauty and challenge of nature."

Most of the campers' parents thought the $500 summer fee was a bargain.

The camp was advertised as "nonsectarian." Boys of all religions were invited. In practice, however, 90 percent of the campers and staff belonged to Christian faiths of one form or another. Several camp activities encouraged the development of moral and spiritual values. Before each meal the boys recited in unison a short prayer of grace. Every Sunday they attended a nondenominational religious service. The service was held in the outdoor "Forest Cathedral" nestled in a heavily wooded hillside overlooking Crystal Lake. The campers also conducted "honors nights" when outstanding campers received awards for achievement and leadership. The chaplain presided over these honors nights, bringing solemnity and dignity to the affairs.

Then trouble began. Six older boys in Shawnee Cabin got hold of a startling little book - The Creed of Self-Respect by Arthur Nungasser. Its contents first puzzled, then intrigued them. According to the book:

> Man is made in the image of God. To gain the best sense of God, man must know himself - and protect his own interests. Self-knowledge and self-interest link man and God.

"Doesn't 'self-interest' clash with the traditional idea of charity?" asked one boy.

"Sure," said another, "but get this..."

> Self-interest has been made to seem evil. Such terms as "charity," "the common good," and "community spirit" are in fact deceptions. Their sole purpose is to weaken man. Man is being duped into following a dubious idea called "general welfare."

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*This story is fictional, but it authentically represents continuing issues in modern society such as those raised at the end of the case.

The boys argued. Finally they decided that charity and kindness had to have some limits. They agreed that it was practically sinful for a man to sacrifice his own valuable goals in a futile effort to help others. They accepted Nungasser's central idea--"I'll help you, not because it's good or right, but because it will help me, and further my interests."

The Shawnees were not long in spreading this idea around. They assembled small groups of fellow campers. They urged everybody to think deeply about it.

The reaction, however, was strictly ho-hum. Most of the campers laughed off the Shawnees as a bunch of oddballs.

This nettled the Shawnees. But somehow it united them, too. They held more meetings. They drew up an oath of loyalty. At last their activities attracted the attention of the camp chaplain.

"I must say your ideas are un-Christian, perhaps even anti-Christian," he said.

The Shawnees were incensed. They replied that they belonged to a worthwhile religious group. They said that the other campers were slaves to dull tradition.

The chaplain found, to his dismay, that his opposition pulled the new group more tightly together than ever.

At last the Shawnees refused to say grace or bow their heads at meals. They even refused to stop talking while the rest of the dining hall prayed. Counselors had to ask the Shawnees to leave during grace - and the commotion upset the whole camp.

Finally the Shawnees appeared at Sunday worship, handing out printed cards that read:

> Join the ranks of a new religion - Mutual Individualism. We pray to God and to the Individual Self, the main expression of God's will. In life's struggle, your fate depends on your own strength, not on the soft-hearted ideals of "charity."

The camp staff members were astounded. They held a special conference on the Shawnees. They decided to meet with the young zealots.

The Shawnees replied that they had nothing to discuss.

From here on, the rebels moved into high gear, avidly preaching Mutual Individualism.

In the end, the Shawnee philosophy had an impact on a number of susceptible campers. One was George Androck.

He was a slight, corn-haired boy, given to writing poetry. He had attended Sunday School from the age of eight. The ideas of Mutual Individualism impressed, yet disturbed him. Worried that he would shock his parents with this new-found "religion" when he returned home, he visited the chaplain. The chaplain, duly upset, referred him to a local clergyman of George's own church. The clergyman listened, then said gravely that George should not remain in the presence of the Shawnees.

The next day George was jittery and irritable. A counselor sent him to the doctor. During the examination, George broke down and told the physician about his mental wrestling match.

Within a week, the camp director recommended that George return home for the remaining four weeks of the summer. He telegraphed George's parents, explaining the circumstances.

But George's parents were not to be put off so easily. They sent a strongly worded letter insisting that the Shawnees be sent home. Had not they - instead of George - caused the trouble in the first place?

Many campers began to lose patience with the Shawnees. But the Shawnees persisted, dragging others into arguments and trying to demonstrate the "phoniness" of love and charity, the superiority of Mutual Individualism. Several campers (of different sects) got up a petition urging that the Shawnees be sent home because they "incited unnecessary disturbances which infringed on the religious privacy of the majority."

The camp director then wrote to the parents of all the Shawnees, enclosing a refund and informing them that their boys would be sent home two weeks early. He explained that they had caused a serious disturbance. Some of the Shawnee parents refused the refund. They claimed that they would be inconvenienced by having to cut short their vacations to meet their sons at home. Several other parents of Shawnees protested that their sons had a right "to think freely." Nevertheless, a majority of the campers voted to expel the Shawnees from Camp Lone Pine.

At this point, the parents of some of the Shawnees threatened to take the whole matter to court. The pleasant summer appeared destined for an unhappy ending.

Facts of the Case

1. Was Camp Lone Pine "non-sectarian" as advertised?
2. To what extent was religion included in the camp program?
3. What were the main principles of the Shawnees' beliefs?
4. Did the Shawnees deny the existence of God?
5. On what grounds did the majority of campers ask that the Shawnees be sent home?

Persisting Questions of Modern Life

1. Evaluating an Analogy. What should be done about the Shawnees at Camp Lone Pine? Are the positions given in this case similar to those listed in the first "Persisting Question" after the case of The Christian Martyrs? Decide whether you are more tolerant or less

tolerant of Mutual Individualists than you, as a Roman, would have been toward Christians. Why?

2. Weighing Values. Suppose that you are a resident of the Shawnee cabin and a charter member of the Mutual Individualists. You are charged with having "infringed on the religious privacy of the majority." Write a short statement defending yourself against the charge.

3. Defining "Religion." Is Mutual Individualism actually a religion? Before answering, consider the standards (or criteria) that are often mentioned for a religion. They may include such elements as: belief in the existence of a divine force, sincere faith and conviction, a set of rituals or ceremonies, and institutions that teach and govern the way the faith is practiced. Are there other elements you think important in deciding what constitutes religion? Decide whether you think Mutual Individualism is a religion or not. Explain your answer.

Now apply the same criteria to the following situation.

In 1966 Dr. Timothy Leary, a former Harvard professor, established a sect that he called the League of Spiritual Discovery. The rites called for the use of a drug called LSD in "psychedelic celebrations." According to Dr. Leary, LSD fosters true religious experience by enabling a person "to find divinity within and to express this revelation in a life of glorification and worship of God." But civil authorities show evidence of cases in which LSD caused people to lose control of their actions and to do harm to themselves and others. They point to a number of criminal cases involving persons under the influence of LSD. Psychiatrists testify that LSD may cause permanent changes in a person's psychological patterns.

In court appearances, Dr. Leary has based his defense on an earlier court decision:

While performing a religious ceremony in California in 1962, three Navajo Indian members of the Native American Church were arrested for the possession of peyote. This drug is a cactus-derived compound that stimulates hallucinations for those who chew it. California law classifies peyote as a narcotic and bans its use. The court found the three Indians guilty of violating the law.

In 1964 the case was heard on appeal in California's highest court. The Indians argued that peyote plays an important part in the ritual of the Native American Church. They claimed exemption from the California drug laws under the First Amendment clause guaranteeing free exercise of religion. California's Attorney General argued that Peyotism not only subverts narcotics law enforcement, but also shackles the Indian to primitive conditions.

The court upheld the Indians' use of peyote, ruling that "To forbid the use of peyote is to remove the theological heart of Peyotism." The court added that California had no right to make Navajos conform to mass society.

Do you agree or disagree with the court decision? Is either the Native American Church or the League of Spiritual Discovery a religion? Do you think either should have religious freedom? Why or why not?

Case from Level I, Part II

JOHN BROWN'S RAID *

John Brown had been called everything from a two-bit horse thief and a bloodthirsty fanatic to a religious prophet and a humanitarian liberator. At 59, he stood a slim and wiry six feet. His coarse beard and long hair, turning almost snow white, and his penetrating eyes gave him an uncommon look. And, whatever men called him, he was about to make a vivid mark in U.S. history. His mission was to free the slaves, and he was ready to fight the Federal Government at Harpers Ferry, Va. (now W.Va.), for the arms he needed.

Born in Connecticut in 1800, John Brown had forebears of prominence in American history: One of his ancestors came over on the Mayflower, and his grandfather served as a captain under George Washington in the War for Independence. At the age of five John moved with his family to Ohio, where he kept sheep, looked after cattle, and had very little formal schooling. As a youth he decided to prepare for the ministry, but soon abandoned his studies. Eventually Brown worked as a surveyor, tanner, sheep raiser, and wool-trader, but in many of these endeavors he met financial difficulties and finally had to declare bankruptcy.

One observer of Brown's life recalled an apparently important incident:

> It chanced that in Pennsylvania, where he was sent by his father to collect cattle, he fell in with a boy whom he heartily liked, and whom he looked upon as his superior. This boy was a slave. He saw him beaten with an iron shovel, and otherwise maltreated... This worked such indignation in him that he swore an oath of resistance to slavery as long as he lived.

In his early twenties Brown began actively to show his heated disapproval of slavery. He aided the Underground Railroad - an operation that arranged transportation into Northern states and Canada for slaves who had escaped from their masters. In Pennsylvania Brown organized an association for the education of Negro youth.

Before Harpers Ferry, Brown had made his name known in Kansas. In the mid-1850's Kansas suffered from bloody controversy between those people who favored slavery and those who opposed it. Slavery had not yet been outlawed by the Federal Government in new ter-

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*Major sources for this case include:

The Life, Trial, and Execution of Capt. John Brown by Robert M. DeWitt, New York: DeWitt. 1859.

Incident at Harpers Ferry by Edward Stone. Englewood Cliffs, N.J.: Prentice Hall, Inc. 1956.

Prologue to Sumter by Philip Van Doren Stern (Editor).Bloomington, Indiana: Indiana University Press. 1961.

ritories such as Kansas. Congress had passed a law (the Kansas-Nebraska Act) that allowed the question of slavery to be decided by the inhabitants of the territories. The law triggered a massive movement of new settlers to Kansas, and the migration developed into a contest between the pro-slavery and anti-slavery people to see which faction could gain control. John Brown and many of his sons (he had 20 children) moved to Kansas to oppose the pro-slavery movement. Before long they were involved in a miniature civil war. Brown is known to have participated in the brutal massacre of a pro-slavery family on the night of May 25, 1856. The attack was supposedly waged in revenge for the violence of a pro-slavery group a few days before. Brown soon became known among the abolitionists as a fighting hero - a man of dedication, courage, and skill. His legend grew in the battle of Osawatomie, where with 40 men he defeated an opposing party of 450. But "Oswatomie Brown" did not stay long in "Bleeding Kansas." He had bigger plans.

Brown intended to set up a government of his own in the mountains of Virginia and Maryland, a government separate from the U.S. Government and separate from the state governments - a new government that had as its purpose the rescue and protection of slaves from their owners and the inspiring of armed revolt by the slaves. Much of Brown's work was financed by a group of wealthy New England men known as the Massachusetts-Kansas Committee. At a meeting in Canada with about 50 followers, John Brown drafted a constitution for the new government he hoped to establish in the hills of Virginia. The Preamble read:

> Whereas slavery...is...the most barbarous, unprovoked, and unjustifiable war of one portion of its citizens against another portion, the only conditions of which are perpetual imprisonment, and hopeless servitude...and violation of those eternal and self-evident truths set forth in our Declaration of Independence:
> Therefore, We, the citizens of the United States, and the oppressed people, who... are declared to have no rights which the white man is bound to respect, together with all the other people degraded by the laws thereof, do for the time being, ordain and establish for ourselves the following Provisional Constitution and ordinances, the better to protect our people, property, lives, and liberties, and to govern our actions.

The constitution outlined a goverment not very different from the existing Federal Government, except for the fact that the major task of the government would be to secure rights and privileges for the slaves.

In October 1859 John Brown rented a farm in Maryland about four miles from the federal arms and ammunition depot at Harpers Ferry. Located at the junction of two rivers (the Shenandoah and the Potomac), Harpers Ferry was like a small town, its few streets lined with offices, workshops, stores, officers' quarters, and the arsenal buildings that housed from 100,000 to 200,000 weapons. On the night of Sunday, October 16, Brown and his followers (five of them were Negroes) quietly occupied the arsenal. Subsequent events were described by an on-the-spot reporter from a Virginia newspaper:

> The first overt act of hostility...was the seizure of the watchman on the Potomac Bridge, who was carried prisoner to the Armory Buildings, of which they had already quietly taken possession.
>
> At an hour after midnight Colonel Lewis Washington (a descendant of George Washington), living four miles from the town, was aroused from his sleep by a loud knocking at his door and a voice calling him by name. He lighted a lamp and went to the door, where to his amazement he found himself in the presence of six men armed with rifles, knives, and revolvers. The leader, J.E. Cook, told him he was a prisoner, but that he need feel no alarm as no harm was intended to his person.
>
> While he dressed himself, the outlaws arrested all the Negro men on the premises, attached horses to the Colonel's carriage and two wagons, and thus drove off toward Harpers Ferry. On their way they captured a Mr. John Alstadt, his son and men servants in like manner.
>
> It was not until four o'clock on Monday morning that the citizens of Harpers Ferry began to suspect that some mischief was afoot. The regular watchman at the bridge was missing, and an armed stranger stood guard in his place. As this fact was reported to Heywood, the well-known Negro porter at the depot, he went down to see about it. When he got there he was approached by several armed men, one of whom handed him a rifle and ordered him to stand guard in the cause of freedom. Heywood argued with them and refused to take the rifle. Their motives were hastily explained, and he was threatened with instant death if he did not join them. With firmness the Negro answered that they might kill him, but he would never join in their murderous schemes. Seeing an opportunity, he attempted to escape and was shot dead. Thus the first life sacrificed by these liberators was that of a faithful Negro.
>
> Shortly after, the workmen began to go to their workshops. Among the first, a Mr. Kelly, on seeing an armed guard at the gate, asked by what authority they had taken possession of the public premise. The guard replied, "By the authority of God Almighty." He was ordered to enter as prisoner; but instead of obeying turned and made his escape, receiving a bullet through his hat as he ran. Mr. Boerly, a grocer, witnessed this scene as he was about opening his shop, and running out with his gun, fired at the guard. The next moment he was shot dead.

2

> In the meantime the rumor of these murders began to spread; and as the town was aroused from sleep, it was learned that the telegraph wires had been cut above and below the town; the morning train was stopped and detained for a time, and then permitted to proceed; and also that several leading citizens had been taken from their beds, and held as prisoners by a band of unknown persons in the Armory grounds. The number of these prisoners was increased to twenty-five or thirty by the capture of officers and employes, who went to the works to attend to their duties or from curiosity.
>
> As the sun rose upon the scene, the reported outrages and the bodies of the murdered men showed that from whatever source the movement came it was of a serious character. Sentinels, armed with rifles and pistols, were seen guarding all the public buildings, threatening death or firing at all who questioned or interfered with them; and the savage audacity with which they issued their orders gave assurance that the buildings were occupied by large bodies of men. Messengers were dispatched to all the neighboring towns for military assistance, while panic-stricken citizens seized such arms as they could find and gathered in small bodies on the outskirts of the town and at points remote from the works. All was confusion and mystery.

The false front of Brown's power began to crumple even under the motley attack of citizen volunteers who poured in from surrounding towns. Brown's sentinel at the arsenal was shot by a sniper. Five of his men were killed or captured as they tried to swim across the Shenandoah.

John Brown and his few remaining men seized a railroad roundhouse as their last stronghold, pushing a locomotive against the door. Because of the hostages and the continued doubt about the size of Brown's forces, the shooting went on warily until nightfall.

During Monday night a force of 100 marines moved into the Armory yard under the command of Army Colonel Robert E. Lee. They took positions next to the roundhouse, lining their two artillery pieces on the target.

Though the night went quietly, a different struggle was taking place among the desperate men in the roundhouse. A reporter later heard this account from one of Brown's surviving men:

> During the night Brown acknowledged that all was lost; he knew that he had forfeited his life and determined to sell it as dearly as possible. The courage of his men, too, began to give way and they wished to surrender; but he urged them to continued desperation. One whom the idea seemed to strike for the first time asked, "Captain Brown, would this enterprise in which we are engaged be called 'High Treason'?"
>
> "Very likely it would be so considered," replied Brown.
>
> "Then," said the man, "I will not fire another shot."

> "It will make no difference to you," said Brown, "except that you will die like a dog instead of falling like a man."
>
> "During the livelong night," says our informer, "the voice of Brown was heard continually repeating, 'Are you awake, men? Are you ready?'"

On Tuesday morning a team of officers went to the door, bearing a white flag to demand Brown's unconditional surrender. He refused. Just as the parley ended, two marines sprang forward and tried futilely to smash the door with heavy sledges. Then 30 men came forward, carrying a heavy ladder which they used as a battering ram. At each blow they dropped to their knees to escape the volley of shots that was expected when the door fell. At the fourth blow the door crashed in, and a 12-man storming party rushed into the splintered opening.

John Brown was still reloading his old rifle when he was struck down by a saber blow and stabbed at least twice by the marines' bayonets. Yet he survived.

In all, ten of Brown's men (including two of his sons) were killed. Five were captured. Three escaped.

They had killed one marine and four residents of Harpers Ferry.

Brown survived his bloody wounds. Propped in a corner of an Army guardroom, he answered questions put to him by Governor Henry Wise of Virginia:

> He stated that the whole number operating under this organization was but 22, each of whom had taken an oath; but he confidently expected large reinforcements from Virginia, Kentucky, Maryland, North and South Carolina, and several other slave states, besides the free states - taking it for granted that it was only necessary to seize the public arms and place them in the hands of the Negroes and non-slaveholders to recruit his forces indefinitely. In this calculation he reluctantly and indirectly admitted that he had been entirely disappointed.

Brown's raid caused an explosive reaction in the Southern states. Many Southerners felt that the raid had struck the spark for a massive rebellion in which slaves would take over their owners' property and take brutal revenge on all whites.

It was an old fear. Three major attempts at rebellion had been made since 1740, the most dramatic of them led by Nat Turner in 1826. More than 50 whites were murdered before Turner was captured and executed. Southerners responded with laws making it a crime to teach slaves to read and write, forbidding religious meetings of slaves unless they were led by white ministers, and imposing curfews and other restrictions on slaves.

In the South any person, white or Negro, from the North or South, often faced dangerous consequences if he spoke out against slavery. A 60 year old minister in Texas received 70 lashes on the back for giving a sermon criticizing the treatment of slaves. The president of a college in Alabama who had come from New York was forced to flee for his life. In Georgia, a mechanic from New England was driven out of town because he carried a shirt wrapped in a New York newspaper containing an anti-slavery speech. In South Carolina, a man was labeled "one of Brown's associates" and lynched. The South, gripped by fear of slave revolution, showed panic-stricken reaction to Brown's unsuccessful raid, and as one Southern newspaper observed "...an explosion sudden and overwhelming is destined, at no distant day, to burst upon this country."

Eight days after his capture, the wounded John Brown, carried into court on a stretcher, was brought to trial in Charles Town, Virginia. He was charged with three crimes: treason against the state of Virginia; conspiring with slaves to rebel; and murder. Within a week the trial was completed and the verdict reached.

During the trial the lawyer for Brown's defense argued that Brown could not be guilty of treason, because to commit treason against a state one must be a citizen of that state, but Brown was not a citizen of Virginia. There was no evidence that Brown had tried to wage war against Virginia. The so-called "government" mentioned in Brown's constitution was really not a public government, but more like a private society or organization. It could not be considered a rival government, because it specified no territory to govern, it performed no functions of government (like collecting taxes), and one section of the constitution denied that it was an attempt to overthrow an existing government. Neither could Brown be guilty of conspiring with the slaves to rebel, for only five Negroes participated in the raid, and there was no evidence that this was part of an oncoming insurrection. As for the charge of murder, said the lawyer, the deaths were accidental, occurring without malice or intention to take lives; when Brown and his men were fired upon, they had to return the shots in self-defense.

The Prosecution argued that Brown was a citizen of Virginia, because he came to reside there and intended to establish there his new government; that Brown's constitution did create a real, planned enterprise designed to carry out acts of a public government; for example, the confiscation of the property of slaveholders. Although a slave rebellion did not occur, evidence of Brown's conspiracy was found in Brown's supplying the slaves with weapons and capturing the slaves' masters. Regarding the murder charge, one of the dead victims was unarmed, and thus could not have been fired upon in self-defense. Furthermore, Virginia law provided that killing (though not intended) in the process of resisting arrest for a criminal offense was murder in the first degree.

When the jury reached its verdict, Brown sat up in his stretcher to receive the news: "The jury finds the prisoner guilty of treason in advising and conspiring with slaves and others to rebel, and of murder in the first degree."

Brown lay down quickly, without saying a word.

Later, before the death sentence was pronounced, Brown was asked by the court for reasons of his own why the death sentence should not be given. In Brown's own words:

> I have, may it please the court, a few words to say.
>
> In the first place, I deny everything but what I have all along admitted - the design on my part to free the slaves... That was all I intended. I never did intend murder, or treason, or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection...
>
> This court acknowledges, as I suppose, the validity of the law of God. I see a book kissed here which I suppose to be the Bible, or at least the New Testament. That teaches me that all things "whatsoever I would that men should do unto me I should do even so to them." It teaches me, further, to "remember them that are in bonds as bound with them." I endeavored to act up to that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done, in behalf of His despised poor, was not wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice and mingle my blood with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments - I say, so let it be done...
>
> Let me say, also, a word in regard to the statements made by some of those connected with me. I hear it has been stated by some of them that I have induced them to join me. But the contrary is true. I do not say this to injure them, but as regretting their weakness... Not one of them but joined me of his own accord, and the greater part at their own expense. A number of them I never saw, and never had a word of conversation with till the day they came to me, and that was for the purpose I have stated.
>
> Now I have done.

Brown was hanged by the neck on December 2. His raid, trial, and execution created a stir throughout the country. His personal character and the merits of his action were hotly debated.

Brown's sanity was brought into question (his family had had several previous cases of mental breakdowns). One newspaper (the Washington Republic) charged:

> ...Brown...was evidently insane; but of such insanity, shooting or hanging is doubtless the only legitimate cure... His gang must have been composed of men either as insane as himself, or woefully deficient in intellect and intelligence.

Several leading citizens considered Brown a great liberator and martyr, and his execution was even compared to the crucifixion of Christ. Brown received a letter from "The Colored Women of Brooklyn," which said in part:

> Dear Sir: We, a portion of the American people, would offer you our sincere and heartfelt sympathies in the cause you have so nobly espoused, and that you so firmly adhere to. We truly appreciate your most noble and humane effort, and recognize in you a saviour commissioned to redeem us, the American people, from the great National Sin of Slavery; and though you have apparently failed in the object of your desires, yet the influence that we believe it will eventually exert will accomplish all your intentions. We consider you a model of true patriotism, and one whom our...country will yet regard as the greatest it has produced, because you have sacrificed all for its sake...

Among persons who attempted to justify the violence committed at Harpers Ferry was Wendell Phillips, a noted journalist, orator, and abolitionist. He wrote:

> ..."The Lesson of the Hour"? I think the lesson of the hour is insurrection. Insurrection of thought always precedes the insurrection of arms...I ought not to apply that word to John Brown of Osawatomie, for there was no insurrection in his case. It is a great mistake to call him an insurgent...Whatever calls itself a government and refuses that duty (of rendering equal justice between man and man)...is no government. It is only a pirate ship, and John Brown...a Lord High Admiral of the Almighty, with his commission to sink every pirate he meets on God's ocean of the nineteenth century...John Brown has twice as much right to hang Governor Wise as Governor Wise has to hang him....Harpers Ferry is the Lexington of today.

Theodore Parker, a prominent Northern minister, wrote to a friend:

> ...we must give up DEMOCRACY if we keep SLAVERY or give up SLAVERY if we keep DEMOCRACY....It may be a natural duty for the freeman to help the slaves to the enjoyment of their liberty, and, as means to that end, to aid them in killing all such as oppose their natural freedom.

A historian (Avery O. Craven) looking back on Harpers Ferry has judged Brown's action more harshly:

> Stripped of all sentimental associations, the John Brown raid was nothing more or less than the efforts of a band of irresponsible armed outlaws. In open violation of all law and order, they had seized public property, kidnapped individuals, and

committed murder. They had, moreover, attempted to incite a slave insurrection and, according to the laws of Virginia, had committed treason against the state.

Facts of the Case

1. In what way did the new government proposed by John Brown differ from the Federal Government existing at that time?
2. What was his goal in planning to attack federal installations at Harpers Ferry?
3. To what extent were Negro slaves directly involved in John Brown's conspiracy?
4. What evidence do we have that John Brown believed he was committing treason?
5. For what reasons did people throughout the Southern states react strongly to John Brown's raid on Harpers Ferry?
6. On what grounds did Brown's lawyer defend him against the charge of treason?
7. On what grounds did antislavery spokesmen in the Northern states say that John Brown's conviction was wrong?

Issues and Justifications

Here are the summary exercises of this unit. Can you identify types of issues and the major strategies used in taking a stand? Can you tell when and why a discussion is bogged down, and identify the techniques needed to put it back on the track?

The first set of five dialogues, based on "John Brown's Raid," involves particular types of issues and particular justification processes - ways of supporting a stand on the issue. Read each dialogue and then identify by checkmark the type of issue and the justification process being used.

1. CORA: There is no doubt that John Brown's raid was a serious threat to the peace and stability of the whole South.

DORIS: That's nonsense. The only people actually threatened were a few families and soldiers at Harpers Ferry.

CORA: But it says right in the case that many Southerners felt that Brown's attempt to start a slave revolution would spark a large-scale rebellion.

DORIS: The fact is, however, that he could recruit only 18 men to his cause.

Type of Issue

.......Moral-Value

.......Legal

.......Definition

.......Fact

.......Frame of Reference

Justification Process

.......General moral principle

.......Cites law

.......Specific evidence

.......Stipulation

2. EVANS: I don't see how Brown's lawyer could deny that he and his men committed coldblooded murder.
FAITH: So you think killing in self-defense is murder?
EVANS: Unless it is absolutely unavoidable, killing someone under any circumstances is murder.
FAITH: What about the person who is killed in an automobile accident. Is he a murder victim?
EVANS: If there is any way in which the accident could have been avoided - by not drinking, or by being more careful - I still think it's murder.

Type of Issue

.......Moral-Value

.......Legal

.......Definition

.......Fact

.......Frame of Reference

Justification Process

.......Gives specific evidence

.......Stipulation

.......Challenges a general moral principle

.......Tests the use of a word with examples

3. GEORGE: I don't see why Brown was convicted of treason.
HOMER: It's simple. He tried to overthrow the government of the state of Virginia.
GEORGE: But he says right in the case that his only intention was to free the slaves, not to commit treason.
HOMER: But if Virginia was a slave state, trying to free the slaves amounted to a major threat against the government of Virginia.
GEORGE: It also says in the case that Brown was not a citizen of Virginia, and that you have to be a citizen to have committed treason.
HOMER: I agree that if Brown were not a citizen of Virginia, he would not be guilty of treason. But Brown was clearly living in

Virginia at the time of the raid.

GEORGE: But living in a certain place does not necessarily make you a citizen.

Type of Issue

.... Moral-Value

.......Legal

.......Definition

.......Fact

.......Frame of Reference

Justification

.......Use of analogy

.......Use of authority as evidence

.......Suggests that act does not fall under law

.......Challenges definition with example

4. JANE: Maybe John Brown had no legal right to carry out his raid, but he certainly had a moral right.

KATE: What possible moral right can a man have for killing innocent bystanders in cold blood?

JANE: Don't you think we had a right to go to war against Hitler? After all, he had enslaved millions of people.

KATE: But we didn't go around killing innocent bystanders.

JANE: Sure we did, in our constant bombing of German cities.

Type of Issue

.......Moral-Value

.......Legal

.......Definition

.......Fact

Justification

.......Cites authority in defining key word

.......Shows that authority acted outside the law

.......Challenges an authority

.......Uses analogy

5. LAURA: It is difficult to make up my mind about who is right and wrong in the John Brown case, because most of the facts are probably one-sided and distorted.

MARION: I agree. It was much too sympathetic an account.

LAURA: Oh no! The so-called "eyewitness reporter" used all kinds of loaded terms. He keeps calling Brown's men "outlaws."

MARION: But later he calls Brown "frank" and "communicative." He tries to paint the picture of a man who is extraordinarily brave and noble.

LAURA: What about when the reporter says, "There was some show of human feeling in the old man at last"? He implies that Brown was mostly inhuman.

Type of Issue	Justification
.......Value	.......Use of analogy
.......Legal	.......Use of moral principle
.......Definition	.......Use of evidence to support factual claims
.......Fact	.......Use of examples to support definitions

Discussion Hurdles

Each of the following dialogues, based on "John Brown's Raid," comes to a roadblock. The roadblock is then hurdled by use of a method of clarification - a way of getting discussion back on the track and moving it along productively. Read each dialogue and then identify by checkmark the problem and the clarifying device.

1. KATE: I don't see how you can compare the slave system in the South with the kinds of horrible things that Hitler did.

JANE: What's the difference?

KATE: Well, for one thing, the slave owners never considered mass extermination as a means of "solving" any race problem. The Negro was seen as an important and necessary part of the economy.

JANE: But the Negro was seen as an inferior being, much as the Nazis considered the Jew.

KATE: But the Negro had an established and necessary place in Southern society. That's what John Brown wanted to upset.

JANE: The major point of my comparison was simply to show that we have fought great wars to "liberate" people.

KATE: All right. I'll agree. And I hope you'll agree that the Jews were treated in a much more inhuman and brutal way in Nazi Germany than were the Negroes in the South.

Problem

......Disagreement over a critical fact.

......Disagreement over the relative importance of a value principle.

......Repeating the same positions without listening to each other.

......Disagreement over the relevance of an analogy.

Device

......Agree to look for new evidence.

......Agree to stipulate facts.

......Make issue explicit.

......Concede minor point to get at a more basic point.

2. GEORGE: The charge of treason against John Brown was very unfair. Perhaps he did violate some law, like inciting violence, but the idea that it was treason is simply too harsh.

HOMER: Of course it was treason. He was trying to overthrow the government of Virginia.

GEORGE: John Brown says right in the case that he had no intention of committing treason. He simply wanted to free the slaves.

HOMER: It makes no difference whether it was intentional or not. If the result is the same, it's treason.

GEORGE: But Brown just wanted to get rid of slavery. He didn't want to overthrow the whole government.

HOMER: I think he wanted to start a new type of society, and that he did want to overthrow the government of Virginia. The real problem is whether or not he committed treason, and that hinges on how we use the word.

GEORGE: Let's agree on how we're using the word "treason," before we argue the facts of the case.

HOMER: OK. Let's say that treason means committing an act with the knowledge that it may very well cause the government to be destroyed.

GEORGE: That's fine, and I say that John Brown had no such knowledge.

Problem

......Repeating the same reasons over and over.

......Confusing a definitional and a factual issue.

......Using a farfetched analogy.

......Bringing in an irrelevant issue.

Device

......Setting an agenda that allows the more important issues to come first.

......Using a better analogy.

......Conceding a minor point so that the major issue can be attacked.

......Stipulating the solution for one issue so that the other can be attacked.

3. CORA: John Brown's crazy idea of freeing the slaves by encouraging rebellion was doomed to failure from the beginning. Since the plan didn't have a chance, he was wrong to ever try it.

DORIS: I think that is a very immoral argument. Going around stirring up people against the government and then getting a lot of innocent people killed is just plain wrong, whether it's going to succeed or not.

EVANS: Both of these positions are somewhat off the subject. The whole thing boils down to the fact that he was violating the law. That just plain settles it. Whether you can get away with breaking the law, which Cora thinks is important, or whether what he did was ethically wrong, as Doris is saying, are really not the main issues.

CORA: But they are. The American colonies started a rebellion, which included breaking laws. And the reason we think it was right today is because it succeeded.

DORIS: Not at all. The American Revolution was right because it was started and run by responsible men who knew how to organize a new country with the least amount of violence and killing. It wasn't started by one fanatic who had no sense of where he was going once the rebellion began.

EVANS: It may sound a little unpatriotic, but I think that the Colonies were also wrong in defying English law, especially when they had not exhausted every possibility in seeking a peaceful settlement of their dispute with the King and Parliament. Breaking the law is wrong, and that's really the most important issue.

DORA: Look, we can go around on these issues all night and never get anywhere. Why don't we talk about one issue at a time? Why don't we start with Doris' issue and discuss whether or not violence that may endanger the lives of innocent people is ever right.

EVANS: OK. Then we can get into my issue. Is violence that breaks laws ever right? We know that some kinds of violence are allowed by our law, like fighting a war.

CORA: And then we can come to my issue, which is whether or not the possibilities for success or failure have anything to do with how defensible the proposed plan is.

Problem

......Participants are not sensitive to what each is saying.

......One participant resorts to personal attacks on the other two.

......Participants use simple empathic appeal.

......There is no continous treatment of a single issue.

Device

......One participant appeals to other members of group to listen to one another.

......Concession of a minor point.

......Stipulation of important facts.

......Agreement on an agenda.

4. BOB: The funny thing about the John Brown case is that most of his followers and sympathizers were white. Probably the Negroes really didn't want their freedom that badly.

CARL: That's not true. There were lots of Negroes actually fighting with John Brown at Harpers Ferry.

BOB: According to the case there were only 18 men with him at Harpers Ferry anyway. How many of them were Negroes?

CARL: Most of them were, weren't they?

BOB: Look right here. It says that only five of Brown's raiders were Negroes.

CARL: OK. Maybe that's true about the men in the raid. But there were lots of Negro sympathizers all through the South.

BOB: Why do you say that?

CARL: It says there were three other major attempts to free the slaves. Things were so tense that the Southern whites were afraid even to teach slaves to read and write, or to hold religious meetings without a white man present. With these precautions, there must have been a lot of sympathy for what Brown was trying to do among the Negroes.

BOB: Look at what happened afterward. Who supported Brown later? A bunch of white ministers and abolitionists in the North.

CARL: But you're overlooking the letter from the colored women of Brooklyn.

BOB: You're right about that. We seem to have some evidence to support each point of view.

CARL: Why don't we agree to look up some more material on this issue?

BOB: Now what exactly is the issue?

CARL: I guess it's whether or not there was a lot of Negro sympathy for what John Brown was trying to do, or whether his support came mainly from Northern whites.

Problem

......Evidence available for both sides of a controversial claim.

......Both participants simply repeating their position with no new evidence.

......Participants are not sensitive to what the other is saying.

......Participants are confusing two different issues.

Device

......Participants agree to move to a new issue.

......Participants agree to set an agenda.

......One participant agrees to concede the point to move the issue along.

......Both participants stipulate the need for additional evidence.

The end of this unit should be the beginning of broader understanding in the discussion process. Even in cases where discussion participants "agree to disagree," they should seek deeper insights into opposing views of an issue add greater opportunities to express their own views clearly and effectively. That is the major importance of Taking a Stand.

Case from Level II, Part II

THE CASE OF GEORGE WATKINS (1773) *

George Watkins was not smiling as he strode through the door of the White Horse Inn near Boston Harbor. He was worrying about what had been going on in the Colonies. Only a few months earlier, Boston's "Indians" had held their "Tea Party" nearby. He wondered how the radicals, who claimed to be fighting for freedom, could feel they had a right to destroy private property.

One careful look at George Watkins told you a lot about the man. He was tall, erect, and broad-shouldered. He wore carefully tailored trousers and a waistcoat. His shoes were slightly worn, but carefully polished. Here was a man of taste and character who had known wealth.

George took a table in the room reserved for the more prosperous, well-educated people. He ordered a mug of ale from the barmaid.

"And the English," he thought to himself, "do they respect private property?" He was bitter about the English. Ten years before, early in 1763, George had put almost all his money into land west of the Allegheny Mountains. He had expected to sell the land later at a good profit. Then the English announced the Proclamation of 1763, forbidding any Englishmen to settle west of the Alleghenies. The land he bought was, for all practical purposes, taken away from him. He could not sell it. It didn't seem that the English government respected the right to property any more than the radicals.

As Watkins sat in deep thought, Dr. Soame Johnson came to his table. Watkins and Johnson had been friends for many years. But of late they argued more and more over the English treatment of the colonies.

"I've been thinking, Soame," said Walkins, "our people in England just don't seem to understand our problems. I'm not sure they want to understand them. We seem to have lost our voices. I wonder if this Sam Adams might not have something when he speaks up about independence."

Dr. Johnson looked startled.

"There are few of us who don't think King George needs a lesson in how to run his colonies. But I certainly cannot go along with fire-breathers like Hancock and Adams. We should do what we must, calmly and legally."

"But England doesn't even seem to want to meet us halfway," said Watkins. "And fellows like Adams and Hancock are in this thing so deep now, they've either got to have a fight or lose their shirts. They look to be in fighting trim, too."

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*This case is fictional, but authentically represents conditions of the time.

Dr. Johnson's voice rose: "We both know Hancock is a convicted smuggler who'll cut his country's throat just to save himself from jail! If this fuss ends, John will have to pay 100,000 pounds to England for the smuggling he's done. Do we want a war just so a man can get away with breaking the law?"

"But Hancock was only forced to smuggle because England was worrying more about herself than about us," said Watkins, "And Hancock is too good a businessman and shipper to foot the bill for England's trouble."

Johnson's face flushed. "George, are you defending a common criminal? Hancock was found guilty and fined. You don't deny that?"

"No."

"And, if you're willing to defend a criminal, why not defend Sam Adams, too? You and I both know Sam Adams wants to fight England and turn this country into a slaughterhouse because he hates kings and noblemen. No matter what's offered him now, he'll never be satisfied. Look at the kind of man he is. He was at the bottom of his class at Harvard. His father was poor. Because of that he hates everyone who isn't poor - and that includes you, George. He can't make money or keep it so he argues that everyone who can must be dishonest. He was made tax collector of Boston and lost his job because he was behind in his accounts. Now he hates the government that ousted him. Sam Adams is powerful in the colonies because he tells the dissatisfied, the lazy, the idle that they're the only honest people. I tell you we can't have war, no matter what, because if men like Adams start running the show there won't be a decent businessman or doctor or lawyer or any man of property left at all in America. And the country will be governed by riff-raff out of the gutters."

Dr. Johnson puffed with the effort of his speech.

Watkins replied very slowly. "You know, Soame, I can't help but agree with much of what you say. But are you sure you're painting the whole picture? The English have not governed us very well. And I am not sure that they can govern well. Just yesterday I received a letter from Joshua Tuttle, who is in England right now. He is convinced that the English government is corrupt. Enormous salaries, pensions, bribes, quarrels, padded accounts, illegal contracts, and illegal jobs - all using up the tax money. Maybe England is more of a stone around our necks than a protector of our rights."

Johnson rose to his feet, leaned forward, and pounded on the table.

"Open your eyes! Do you know what Sam Adams and his gutter crowd are doing? They have mobbed and beaten ministers, lawyers, and doctors who have done nothing more than express their opinions. Yes, the finest men we've got have been thrown out of every town in the colony. Those rebels say they are fighting for freedom.

Yet they do not permit anyone the freedom to disagree with them.

"And what are you going to do, Watkins? Join those guttersnipes and rabble-rousers? I say, let's stand up for our rights and be counted - as good Englishmen - to protect our rights to property and liberty."

Johnson got up and stamped out of the room. A wry smile came over Watkins' face. He thought of Johnson's last statement - "protect. . .property and liberty." England's Proclamation had taken almost all his property.

His musing was broken by loud voices coming from the barroom, where the common people drank and talked. He caught several words, "smuggling. . .Stamp Act. . .stupid Englishmen." Watkins arose and walked over to the doorway. A tall, dark sailor was speaking in loud tones. And Dr. Johnson, interrupted in his flight, stood bristling at the sailor's words.

"So what are these laws supposed to do, these Trade and Navigation Acts? They're supposed to strangle our trade and make us servantss of our royal master, His Majesty George the Third. Has George ever been to America? Has he ever worked aboard a trading ship? He calls it smuggling when honest merchants and self-respecting sailors try to make a living. I say it's not American smuggling that's the cause of this trouble, it's English tyranny."

Dr. Johnson snorted back at him. "I don't care what's at the heart of this trouble - call it tyranny if you will - but smuggling is law-breaking, and that's not good no matter who does it. You seamen and your masters have taken the law into your own hands too long. Right now the English laws are our laws, and most of us are Englishmen. If you'll break the laws of your government when that government is England, who's to say you'll obey them if we set up a government of our own? Or do you want no government, so you won't have to pay any taxes or obey any laws at all?"

The tall sailor banged his glass on the bar, straightened up to full height, and glared down at Johnson: "The difference is, my fine fat fellow, that American shippers are willing to pay American taxes to pay for things that help America. But American shippers ain't goin' to stuff the bellies of a bunch of English lords."

Johnson's face reddened. He stormed for the door.

The sailor shouted after him, "Why don't you go back to your king, then, and kiss his boots and pay him tribute? Because that's the law. I say law is what men say is fair and just and right for all the people, not what some king dreams up three thousand miles away."

There was a shout of approval from the little crowd at the bar. But several men who had kept silent throughout the argument quickly left the inn.

Watkins turned from the doorway and returned to his table. He was puzzled and worried. He knew the need for a fair and reasonable government in this new world - a government which understood the temper and desires of a new brand of freedom. But he wondered how such a government could be born out of the contempt for law displayed by men like the sailor.

Was Sam Adams like this tipsy sailor? He had to find out. The next time Sam Adams spoke, he would go to listen.

Meeting At Lincoln

George Watkins tasted the crisp fall evening air as he rode to Lincoln. He felt a tingle of excitement. Tonight he would finally see and hear Sam Adams.

When he dismounted from his horse, he could see that there was already a crowd in front of the meetinghouse, talking, laughing, grumbling, arguing. Rawboned farmers had come from all corners of Lincoln, Concord, Lexington, and adjoining towns to hear the great Sam Adams.

The babble suddenly quieted. Watkins looked back down the dirt road as he hitched his horse. He knew it must be Sam Adams coming. So here was the man the poor loved and cheered, and Watkins both feared and admired.

Sam Adams climbed down from his horse, tied it, and threaded his way through the groups of men in front of the meetinghouse. He mounted the steps, turned, and raised his hands. Dead silence fell over the crowd.

"Friends and fellow countrymen," he began. "We have been subjected to greater tyranny and injustice than any people has ever endured. The crops which we have raised with much sweat and toil are taxed without our consent. Our ships can no longer trade. The rights and privileges which we have always had are denied us. Our people are murdered by the King's soldiers. . ."

Adams went on, talking of his favorite organization, the Sons of Liberty, and how it was linked to similar groups by Committees of Correspondence.

As he continued speaking, denouncing the king and demanding "the rights of free men," wave after wave of excitement swept over the crowd. It reached a fever pitch, then almost a frenzy. George Watkins felt the excitement despite himself. Yet, as the farmers shouted and cheered and drew closer to the speaker, Watkins and others like him drew farther toward the outskirts of the crowd.

Suddenly a voice rose against Adams. The crowd stirred angrily. But Adams carefully stopped. "No, my fellow countrymen," he said softly, "let this gentleman speak."

The dissident turned out to be James Cartwright, a widely known Lincoln minister. He mounted the meetinghouse steps and shouted, "My fellow Englishmen, my fellow townsmen, this man Adams who stands before you and seizes your reason, as if by witchcraft, is a godless traitor. Worthy people of high character have warned me against him. He is preaching treason. Friends, have you forgotten that without England our fathers could never have settled this land? You shout against British soldiers but your memories are short. Ten years ago you cheered these same soldiers when they saved your wives and children from bloodthirsty Indians. You speak against the laws of England. But if it were not for England we would all be slaves of an irresponsible French King. May God protect our beloved England that has struggled so long to protect the loves and property of all her countrymen."

The crowd had been confused. Then a murmur of protest grew into a roar. Deacon Cartwright's words were drowned in a sea of angry voices.

Sam Adams rose again to the highest step of the meetinghouse. His clear, slow voice cut through the tumult. "Here is a defender of tyranny, an enemy of the Sons of Liberty right in our midst. Need I speak more of the dangers that stalk our homes and firesides!"

The crowd jostled Cartwright and spit on him as he went down the steps. Someone pushed him to the ground. He scrambled to his feet and dashed blindly into a tree on the outskirts of the crowd. The crowd laughed. A voice shouted, "Let's get him, boys. Let's show him what happens to king-lovers." The crowd began to move after him.

George Watkins suddenly found his voice in the confusion. "No," Watkins shouted as loud as he could. "Let him go. Let's hear Sam Adams out. He has something more important to say."

The crowd began to mill back toward the meetinghouse steps. Sam Adams went on.

What, Watkins wondered to himself, had possessed him to enter the brawl, to join this mad crowd? Had he really wanted to save the deacon? Or was he really interested in more of what Sam Adams had to say? If the time came to fight, if war came with England, would he be running with Deacon Cartwright, or fighting beside Sam Adams?

Who Should Govern?

George Watkins, central figure of the case you have just read, is caught in a conflict of values about government.

What is a value? It is a firmly held idea of what is "good" or "right." People often hold strong values to the point that they feel no desire or need to prove them:

"It is good to help other people."

"Why?"

"I don't know, it's just good."

When a person values something for himself - where he has personal preference - he isn't usually pressed very hard to defend it. He simply prefers onions or carrots, or pistachio or chocolate ice cream; no one will argue seriously against such likes or dislikes. A person's values for the society or the community, however, may be a different matter than personal preferences.

Many different values can be expressed about government. The person expressing values about government - what is good for himself and others - will usually find himself obliged to justify them if he can.

Check your Values. On the opposite page are ten value statements about government. Put a checkmark in the column to the left of those statements which represent the values you hold about "good" government. Compare the set of values you have checked with those checked by your fellow students. Are your values alike or different?

Classify Values. Each of the statements can be identified and classified as a different value. In column A on the opposite page, mark each statement with the letter of the one classification which you think fits it best:

(A) Competence and "knowhow"
(B) Tradition or familiar customs
(C) Religion, belief in a Supreme Being
(D) Law, the written and spoken rules of the society
(E) Separated power
(F) Strength - "might makes right"
(G) Property ownership
(H) Impartiality
(I) Majority rule
(J) Efficiency

Recognizing Values of Others. In the previous case study George Watkins, Dr. Soame Johnson, and Samuel Adams seem to hold different values. Review the case. Then, in column B on the opposite page, mark the initials of each man next to all the value statements you think he supports. Which two of the three men have the strongest differences between them? You may observe that Watkins is in a dilemma, that he himself holds values that conflict with one another.

Are there values expressed in THE CASE OF GEORGE WATKINS which are not represented in the list on the opposite page? Identify any others you can find in the case.

Case from Level II, Part III

GEORGE MANVILLE'S ROSE BUSHES *

George Manville lived with his wife and three boys in a new ranch house on a half-acre lot. The recently developed suburb of Pine Park seemed to be sprouting new homes by the day, and one morning the Manvilles noticed a bulldozer and some trucks approaching the lot adjoining theirs on the west.

George nervously watched the machinery turn into the wooded lot, bordered by the multiflora rose bushes he planted to mark the end of their property and to make a striking outline for the well-groomed lawn. "Well, Doris, that's the end of our privacy."

"It was bound to happen sooner or later, Dear," she replied. "Now don't worry about it; just get on to work and have a nice day."

About 10:30 a.m. George received a call at the office. It was Doris. "Honey, I don't know what to do! The bulldozer and the trucks are driving right over our bushes and grass. I ran out and spoke to the workmen, but they said not to worry - they'd replace the bushes and lawn after the house next door was finished. They said that for the moment it was easier to use our property for a driveway. I'm just sick about our rose bushes!"

"That's ridiculous!" snapped George. "They can't do that to us. What assurance do we have that they will make the repairs? Honey, I'd better see a lawyer."

George had never sued anyone before, never had been in court. He asked around the office for suggestions, and everyone agreed he should get a lawyer. He decided to call a former college classmate, Lou Greer, who had gone to law school and had recently established a practice in a nearby town.

After listening to George's explanation of the situation, Lou asked, "George, are you absolutely certain that the equipment has damaged your property?"

"I haven't seen it yet, but they must be on our property because we checked the lot line with the surveyor before we planted the bushes. Look, Lou, could you come over tonight? We could talk it over and inspect the damage."

That evening, after examining the situation, Lou advised the Manvilles: "The builders have clearly damaged your property. They are legally at fault. As far as we can estimate, it would cost you about $500 to repair the damage already done. It may be true that after construction is completed, the neighbors will repair your lawn and replace the bushes.

"But maybe you don't want to wait that long. Maybe you don't want them on your property at all. If you feel this way, we should take legal action immediately. I could write a letter telling them to get off the property and to reimburse you for the damages. If they refuse, then we'll have to take them to court."

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*This story is fictional, but it authentically represents continuing issues of our times.

"Fine," snapped George, "they deserve it."

"Not that easy," answered Lou. "Going to court costs money. As a friend, I'd be willing to write a few letters, make a few phone calls, check up on some facts. But going to court takes a lot of my time. Sometimes a lawyer has to stay in court all day waiting for his case to come up, and sometimes it does not even come up that day. A day of my time is worth at least $100. In taking a case to court, there are pre-trial conferences with the judge, filing of formal papers, then the trial itself. Completing a case like this could cost you about $1,000."

"But Lou, doesn't this sort of thing also cost the defendant? They have to pay lawyers' fees too, so maybe they'd give in for $500 rather than spend heavy fees."

"It's a little different with big companies, George. A company like Westwood Construction pays its lawyers yearly fees, and such lawyers handle whatever work comes up. The builders really wouldn't lose anything in lawyers' fees, because they spend the set retainer fee anyway."

"I see," muttered George. "Maybe you could write them a letter now, reminding them that they promised to repair the damages, that we'll put up with their trucks for the time being, and expect them to landscape the area when the construction is finished. This would show them that we're willing to deal with them in good faith as decent neighbors."

"I'd be happy to do that," Lou volunteered, "but I must warn you that next summer, if they refuse, you may still be faced with the decision of whether to take them to court."

The next day Lou sent a letter to the builders and a copy to the Manvilles, who waited patiently for a reply.

Six months passed, the new house was built, and neither George nor Lou heard from the owners or builders. Then the owners, Mr. and Mrs. Greely, moved in. George and Doris stopped by to visit. After introducing themselves, the Manvilles asked about the damages to their lawn. Mr. Greely replied: "Sorry, that's not my responsibility. Sue the builders if you wish."

George hurried home, phoned Lou and told him the problem.

"OK, George, I'll write another letter to the builders."

Within the week, Lou received a letter from the Westwood Construction Co.:

Gentlemen:

Have received your letter of 7 July. Please be advised that we have no financial obligations to you.

Very truly yours,
H.L. Grobie, President

Lou explained to George that to get any action now, he would have to go to court. George thought it over for a while, then in a voice of despair concluded: "What's the use, Lou. Lawyers' fees might cost me up to $1,000. I could have the damage repaired for about $500, or if I wanted to do the work myself, it would cost me about $200, plus at least three full days of hard work. I earn only $9,000 a year, and after paying for food, the mortgage, insurance, medical care, car, clothing, and so on, I have only about $500 left. I suppose taking the case to court just isn't worth it."

Reviewing the Case

1. What was George Manville's complaint against the construction company?
2. In what way did George and his lawyer first try to remedy the situation? What was the result?
3. Why did George hesitate to take his case to court?

Persisting Questions of Modern Life

1. The Cost of Justice. Although George would probably win his case in court, he would go deeply in debt paying his lawyer's fees. (Since this is not a criminal case, he is not gauranteed a lawyer by the state.) Discuss your opinions of the following ways of handling this problem:
   a. George just had a bad break, there's really no solution, and he'll have to suffer the consequences;
   b. George should try to take out private insurance to cover himself against such situations;
   c. The state should either guarantee George a lawyer, pay the private lawyer's fees, or pay George for the damage.

2. Preparing a Brief. Lawyers write carefully reasoned "briefs" (position papers) when trying to persuade judges to support their position on a case. Briefs, or position papers, can be written to support many types of positions, not just decisions on specific legal cases. After your discussion of issues in the George Manville case, write a brief that supports and clarified your position on the question: How should George Manville's problem be handled? Your brief should include the following:
   a. A description of what you consider to be the most relevant issue to be decided.
   b. A clear statement of your position on the issue. To avoid being misinterpreted, include some explanation of things you do not intend by this position.
   c. Several reasons, discussed separately, which lead you to take your position.
   d. Definitions of important terms that might be interpreted differently from the way you intend.
   e. Presentation of factual evidence to support general factual claims.
   f. Recognition of points that might be raised against your position, and a response designed to defeat each point in opposition to you.

Before writing your brief, it might help to think of specific illustrations of each of these parts of a brief.

Cases from Level IV

TWO VIEWS OF PROGRESS

Sir Charles Eliot, Governor of Kenya, wrote a book in 1905 that included a blunt statement of his policy:

> . . .The interior of the Protectorate is a white man's country. This being so, I think it is mere hypocrisy not to admit that white interests must be paramount, and that the main objective of our policy and legislation should be to found a white colony . . .Africans must bow down to the inevitability of European domination; it is impossible for them to withstand the land hunger of the advanced races, and they must not be allowed to stand in the way of white expansion. To allow such obstruction would not be in the interest of either England or the African peoples themselves.

The government had just finished building an expensive railroad to the interior. As Governor, Sir Charles was determined to make the railroad and other British projects pay for themselves. He was especially eager to attract more British settlers. British citizens, some with fortunes to invest and some with little more than dreams of fortune, responded hungrily.

The first British settler, and long the political leader of the colonists, was the third Lord Delamere. He at once obtained 100,000 of the best acres of Kenya and was made chairman of the Kenya Land Board. Other vast properties were acquired by Lord Francis Scott and the Earl of Plymouth, who got 350,000 acres. The East Africa Syndicate obtained 320,000 acres, the Uplands of East Africa Syndicate obtained 350,000 acres, and Grogan's Forest Concession 200,000 acres. In total, 1,540,000 acres were transferred to 342 Europeans in a matter of two years. Most, though not all, of this land was unoccupied at the time. It came to be known as the White Highlands.

Large-scale land expropriation, moving Africans to make way for settlers, had begun in the Kikuyu territory north of Nairobi as early as 1904. In that year the Elgeyo tribe was cleared off part of the land to make way for the concession granted to Mr. Grogan. In 1908 the Mau and Lukenia Hills were acquired by settlers, the Akamba people being moved to the north and east. The Londiani area and 138,000 acres in the Sotik district passed into European hands.

In 1908 a government report proclaimed the policy of limiting the size of the African reserves (land put aside by the government for native occupancy, somewhat like U.S. Indian reservations). If the reserve was too small to supporttthe entire population of the tribe, many members of the tribe would be forced to leave the reservation to seek employment on the farms of the white settlers. The establishment of extensive reserves was held to be a policy directly opposed to the development of an adequate labor supply.

The British believed almost unanimously that they were doing the Africans no harm in taking some of the land. The idea of private property, they thought, was totally foreign to the African. The native, they believed, could simply go to another unoccupied part of tribal lands to clear the fields and build a new hut.

A few settlers, men who had learned the language and studied the customs and traditions of the Kikuyu, were aware of tragic misunderstandings on the land issue. The Kikuyu, they told their fellow Englishmen, actually had old and solemn laws covering the ownership of property and the precise markings of boundaries. The story, in brief, was this:

The Kikuyu believed they could not take land by conquest, or even buy it from other peoples. The spirits of the previous occupants, they believed, would simply make it impossible to farm the land successfully. Thus, when the tribe had to expand its territory, probably in the late 16th century, the elders worked out an elaborate system of purchase and ownership. They worked their way southward, seeking out forest tribes willing to part with some of their hunting lands. Then they would hold solemn ceremonies in which they adopted the other people as Kikuyu. This mutual adoption made certain that the land purchase would be honored by the god Ngai and that the spirits of the sellers and their ancestors would treat the Kikuyu kindly. The boundaries were established in solemn religious ceremonies.

Kikuyu families who could afford the price in goats and sheep bought vast properties so they would have land to hand down to the children of the family in the future. Those who were not wealthy enough often became tenants, occupying and farming the land until the owner family needed it. By the middle of the 19th century, the Kikuyu had turned much of central Kenya into great farmlands. The Kikuyu district of Kiambu was the source of grain and other provisions for Arab and then English caravans moving through Kenya.

In the 20 years before 1902, however, the Kikuyu were struck by four major disasters - a smallpox epidemic, a severe drought, an epidemic of the cattle-killing disease called rinderpest, and a vast invasion of locusts. As many as 50 percent of the Kikuyu died of disease or stravation. People left the new lands to return to the tribal homeland in the north, near what is now Fort Hall.

The move did not, under Kikuyu law, affect the ownership of the land at all. The younger men and boys of every family were taught every detail of the boundaries for the time when they would return. But this was also the time when the first farmer settlers arrived in Kenya, following on the heels of missionaries and explorers. They found the Kikuyu lands uncultivated and apparently abandoned.

Jomo Kenyatta, who was to become the foremost political leader of Kenya's natives, tells the Kikuyu side of the story:

"When the Europeans first came into the Gikuyuland, the Gikuyu looked upon them as wanderers who had deserted from their homes and were lonely and in need of friends. The Gikuyu, in their natural generosity and hospitality, welcomed the wanderers and felt pity for them. As such the Europeans were allowed to pitch their tents and have a temporary right of occupation on the land in the same category as those Gikuyu who were given only cultivation or building rights. The Europeans were treated in this way in the belief that one day they would get tired of wandering and finally return to their own country.

"These early empire builders, knowing what they were after, played on the ignorance and sincere, hospitable nature of the people. They agreed to the role of temporary cultivators and soon started to build small forts or camps. . .The Gikuyu gave the Europeans building rights. . .with no idea of the motives which were behind the building, for they thought it was only a matter of trading and nothing else. Unfortunately, they did not realize that these places were used for the preliminary preparations for taking away their land from them..."

The European view prevailed in matters of labor as well as matters of land ownership. In 1907 Governor James Sadler yeilded to settlers' demands for new ways to get reluctant Africans to work regularly on white farms.

One obvious technique was to increase taxation of Africans. This would force them to work on European farms to earn enough money to pay the tax. So the government decided to raise the amount of the hut tax to four shillings (about 80 cents). To avoid paying the tax, Africans crowded into fewer huts; and still the labor shortage continued.

To complicate matters, more European settlers were coming into the colony, encouraged by the Kenya government. When they arrived, they found it very difficult to get started without native labor. In 1909 the Legislative Council passed the "Native Hut and Poll Tax Ordinance," which required natives who owned huts to pay a hut tax and those who didn't to pay the same amount in poll tax. The tax had to be paid either in cash or labor (not in livestock or produce). If the native paid his tax in labor, he had to work one month at whatever task the government set. It was very difficult to collect the tax because the natives would escape to the reserves to avoid the tax collectors. The government, over the years, thought of several remedies for this situation. One was a penalty of three months' imprisonment for failure to pay the tax; another was forcing the native to produce his tax receipt at any time - failure to produce it was considered evidence that the tax had not been paid.

Another way to encourage Africans to work on European farms was to keep them from growing crops for sale. In 1918 colonists decided to severely restrict the natives from renting land from Europeans and growing cash crops. In addition, Africans could not live outside their reserves unless they made a contract with a European for from one to five years (to work at least 180 days a year). Africans breaking their contracts were flogged, fined, or imprisoned; any native or settler who sheltered a runaway was also fined or imprisoned.

Soon afterward, settlers associations campaigned with some success to cut the average African's monthly pay from 10 shillings (about $2) to 7 shillings (about $1.40). The government continued to refine its techniques for keeping track of African laborers. In 1920 a law required every male African above the age of 16 to be registered and carry a registration certificate that he would have to produce on demand by a police officer. The Registration of Domestic Servants Ordinance in 1928 introduced the pocket register, or kipande, which the African carried in a little case around his neck. (Natives called the case Nbugi, or "goat's bell.") This register included the African's fingerprints, names of his employers and the dates he had been employed, and character references by his employers.

In addition to laws pressing natives to work on European farms, many laws were passed regulating the African's behavior once he was working. If any African were found in possession of any meat, livestock, milk, eggs, fruit, tea, maize, coffee beans, or other article, and he seemed "reasonably" guilty of stealing it, he would be considered guilty until he proved himself innocent (the exact reversal of British legal procedure). If an African employee lost an eye or a limb, or even his life, by accident while at work, his European master did not have to pay compensation to his family. If, on the other hand, the worker accidentally killed one of his master's sheep, he had to pay ten times its value.

In 1929 a law was passed making acts of insubordination or carelessness on the part of Africans criminal offenses. The penalties for offenses in the first list were imprisonment up to one month, a fine of five pounds (ten months' wages), or both. The penalties for offenses in the second list were a fine up to seven pounds (at least a year's wages) and imprisonment up to six months. These lists included such items as:

1. Failing to begin work at the required time
2. Leaving work without permission
3. Neglecting to perform a certain duty, or performing it carelessly
4. Using anything that belonged to the employer without permission
5. Refusing to obey a command of the employer or overseer
6. Giving a false name or address
7. A herdsman failing to report the death of an animal in his charge
8. A worker losing property placed in his charge by his employer

None of these penalties canceled a contract of service. If the worker's offense was absence from work, the period of absence was added on to the period of contracted service. If he was required to pay compensation for loss of property, he might have to pay up to half his weekly wages.

Reviewing the Case

1. On what grounds did the settlers feel justified in making the interior of Kenya "white man's country"?
2. What methods were used by the English to "persuade" the natives to work for the settlers?
3. Why was the kipande an important instrument in implementing English labor policy?

THE SEARCH FOR SOLUTIONS

Tribal elders, in full ceremonial dress, came borne on the shoulders of their followers. Senior warriors, their bright red war paint and their weapons glistening in the sun, marched behind. Younger natives - educated men - came wearing their best European clothes. By the hundreds and thousands they arrived, to sit waiting on the lawn before the government station at Fort Hall.

It was 1929, and a British Parliamentary Commission was coming to hear the grievances of Kenya Africans who claimed that their land had been stolen from them. Members of the Kikuyu Central Association, one of the first African political organizations, had asked to present the natives' case. The touring Commission had agreed, much to the dismay of Kenya's white settlers.

The native Africans presented to the Commission a list of demands that they considered necessary for a proper settlement of past injustices:

1. Legalization of African land rights, and title deeds for property presently owned and occupied by Africans.
2. A grant to native councils of the power to deal with their own internal land problems, without any interference from the District Officers.
3. The right to grow coffee and other cash crops.
4. The right to elect three Africans to the Legislative Council.
5. Elected representation on municipal councils.
6. Erection of secondary and high schools for African students.
7. Qualified African students to be sent abroad for further study.
8. The abolition of the pass laws that require Africans, and only Africans, to carry a large number of passes merely to be able to move from one section of the country to another.

The Commission received the recommendations, much to the chagrin of the District Commissioner, but that was all that was ever heard of the African proposals. The Commission recognized that some basis for grievance existed, but proposed nothing in the way of a solution.

Kenya thereafter became a land of commissions, which came with great frequency. Finally, in 1932, the Carter Land Commission was appointed to study the land claims among the Africans, particularly the Kikuyu, and recommend settlement of the valid claims. With great patience it listened to every African claim and questioned each person testifying. Typical testimony went like this:

"I owned a large portion of land in the Kiambu division which is now a European farm. The white policemen came to me and told me that I must move and take my wife and children with me. When I protested, they forcefully moved me and burned down my hut before

I could even remove my possessions?"

"Were you not paid for the land and your possessions?"

"I was given some money, Your Honor, but now I have no land. When my sons grew up, I had no land to give them so they could survive."

"But don't you realize that when you were given money, you no longer owned the land? The European had bought the land from you; it was then his, and he could remove you from it."

"But how could he own the land? There can be no sale of land unless both parties agree, and are linked by a guciarana, a ceremony. And the boundaries of the land which was sold must be marked out and witnessed. And also, all the members of my family would have to agree to the sale, which certainly my eldest son would not have done, as it was his land, too. While I was living off the money, I was willing to let the European farm my land. But when the money was spent, I had to have land to grow food, or me and my family would starve. So I went back to the European and asked him for my land back, or for some money, but he summoned the police and had me taken away. He said he had a deed which made him the owner of the land."

"Was there no place you could have gone to get land?"

"Perhaps, but this land would belong to some other family. I would be a tenant. I could farm the land and build a house on the land, but I could not pass it on to my children. It would not be my own land."

Members of the Commission conferred briefly among themselves. Then one asked another question:

"Can you show this Commission where the boundaries of the land are that you claim? If so, we can have it surveyed and give you some land elsewhere which is equal in size."

"But we do not want other land. This is our land. This is the land on which our fathers and grandfathers have died. Besides, there is no longer any land available. The reserves are crowded now, and land elsewhere would not be as good."

The investigation continued for many days, and the Commission toured over the country, getting, where possible, precise boundaries of the disputed land, measuring it, listening to every complaint. Many claims appeared to be obviously false, put forward by Africans who were claiming something they never had any right to and hoping that the ignorance of the Commission might give them a windfall.

At length the Commission retired to consider the evidence, make its recommendations, and write its report.

The report of the Carter Commission, when it was completed, admitted Africans had proved that they had lost some hundreds of square miles of land that ranked among the choicest farmlands in the Empire. They admitted that it had not been as easy as the government had supposed to move an African from one place where he had been living as a right to another place where he could live only as a tenant, and that land alienation had demonstrably "increased the density of the native population in the Kikuyu Reserve." Also, the Commission's report revealed that less than 15 percent of the White Highlands was as yet cultivated by any European.

But the Commission refused to consider any suggestion that the Africans should be allowed to return to their old lands, even when such lands had not yet been acquired by any European settlers. The White Highlands were to be made untouchable to natives by an Order in Council. The Commission did propose an enlargement of the native reserves, but the areas added for the most part had no permanent streams and were uninhabitable by native families or the Europeans. The report of the Carter Land Commission was accepted by the British government. The implementation of its recommendations was considered the final settlement of all Kikuyu claims.

Reviewing the Case

1. Describe the grievances about the ownership of land and other matters expressed to British commissions by Africans.
2. How did the English government respond to the demands made by the Africans?
3. What were some of the standards of ownership held by the Africans that were not shared by the English?

Persisting Questions of History

1. An Analogy Case: Establishing the Ownership of Land. Fogg Island is a small island off the coast of Carolina. Most of it is densely wooded, except for about 5 acres of lush fields and a mile of sandy coastline. Most people on the mainland thought it deserted, but there were rumors of "hermits" living there who went on "rampages" shooting wild game. In reality, the island was populated by two peaceloving brothers in their early 60's, Alvin and Calvin Hermit, who had lived there alone for 40 years. They spent most of their time cultivating a vegetable garden.

During about two weeks in the fall the quiet of the brothers was disturbed by a group of hunters who came annually to hunt the deer, pheasant, and rabbits that are so abundant on the island. The Hermit brothers resented these intrusions but they did little about it, since the hunters actually fired at the brothers when they tried to stop the shooting.

That was the condition of Fogg Island until Leroy Smith got the idea of making it into a resort. Upon careful investigation, Leroy found that the Federal Government thought it was under state jurisdiction and the state thought it was under federal jurisdiction. Neither government cared to become involved in determining how it was to be used. Smith then hired an attorney who composed a legal-sounding letter to the Hermit brothers, informing them that they would have to vacate since they had no legal claim. Letters were also sent to the hunters (who were actually wealthy oilmen from Texas).

The Hermit brothers were shocked when they heard that they were supposed to leave the island. Alvin immediately wrote to his cousin Thomas in New York, who was a prominent clergyman in the Ecumenical Church. Thomas quickly viewed the island as having a great deal more potential for the good of humanity than it would have as a vacation resort, or, for that matter, as a haven for his two unsocial cousins. He wrote back saying that he would be glad to find lawyers for them, but they would have to join his church and work to make the island into a religious retreat for clergymen and laymen who wanted to get away from the hurly-burly of city life.

Alvin and Calvin refused to go along with Thomas. But Thomas had become engrossed with his idea. Since no one had clear rights to the land, including his cousins, he thought, why not work to obtain it for the church?

As the dispute over the island became more generally known, word of the situation reached one Jonathan Pembroke. Jonathan had some vague hunch that he had heard of this island before. Digging one day through some old papers, he found a very old parchment. It stated that the chief of a small band of Indians who once lived on the island had sold it to James Pembroke, who had later deeded it to George Pembroke. Jonathan was a direct descendent of these Pembrokes.

"Ha," thought Jonathan, "the island clearly belongs to me. There is no legal basis for anyone else's ownership. Of course the deed is not made out to me, but it was clearly my relatives who bought it from the Indians. If it hadn't been for them, it would still belong to the Indians."

So the dispute over ownership of Fogg Island grew. No one dared take the matter to court, since none of the claimants was sure enough that he could win, and none knew what court had jurisdiction. At first all wrote nasty threatening letters to one another. Finally, all agreed to meet and talk the matter over. The basic arguments came out as follows:

The Hermit brothers: "We have lived on the island for 40 years. During that time no one bothered us and we bothered no one else. We care for the land and leave it pretty much in its natural state. At the very least, we have a right to live out the rest of our days there without being disturbed."

J.P. Oildrip, one of the hunters: "We consider the island our private game preserve since we have used it, without incident, for many years. We let the old Hermit brothers stay there as long as they don't bother us. Anyone who tries to claim it is going to contend with some first-rate sharpshooters."

Leroy Smith, resort king: "I have already invested considerable money having the island surveyed and interested a number of investors in its possibilities as a vacation resort area. This is the best purpose to which it can be put, since it is uneconomical to farm, and it would allow the maximum number of people to enjoy its fine beach and quiet woods."

Thomas Hermit, clergyman: "The best purpose to which the island can be put is something that is obviously in the public good: a religious retreat. My close relationship to Alvin and Calvin has some bearing on my claim to the island."

Jonathan Pembroke, long-lost relative of original "owner": "The parchment, establishing me as heir to the original owner, clearly gives me the right to the land."

a. Play the parts of the different "owners" of Fogg Island and continue the discussion, focusing on this question: Who really owns or should own the island? Continue to assume that no government or court enters the picture; the claimants must solve the problem among themselves.
b. What general criteria for ownership of land are implied by the various people involved in the dispute? Which of them seems to make the most persuasive case for legitimizing his ownership?
c. Apply these criteria to the land dispute in Kenya. How do you think the dispute in Kenya should have been resolved?

2. Settling a Land Dispute. The following case presents an authentic modern land dispute in the United States:

A Tale of the Tuscarora

On April 17, 1958, William Rickard sat in jail in Niagara Falls, N.Y., and cursed at the bars around him. What good were treaties, promises, agreements, or civil rights laws? It seemed to Rickard that he was caught in a grim but familiar play, fighting a battle he had no chance of winning. How could a tiny band of American Indians hope to defeat the New York State Power Authority, and its energetic and powerful director, Robert Moses?

Early in 1958 Mr. Moses had announced a vast project to harness Niagara Falls for the production of electricity. The generators and other facilities were to cost $750 million, but would ultimately provide power at great savings to the entire state and the whole Northeast. Moses proclaimed an ambitious and rigid construction schedule, to begin immediately. He urged citizens to support the project.

As the full plans were revealed, it became clear that some people would see no benefits at all in the plan. About 1,300 acres of the Tuscarora Indian Reservation (one-fifth of its area) were to be flooded to form a reservoir against dry seasons in the main river. The reservation site involved about 175 Indians living in 37 houses. The only alternate site for the reservoir was in the town of Lewiston. It included a million-dollar school, two cemeteries, and about 350 homes.

During preliminary work on the project plans, engineers had visited William Rickard's father, Chief Clinton Rickard, to ask permission to test soils on Indian land. They assured him that there was nothing behind their request except a need for complete maps of the area. The Chief called a council, which refused permission and made clear that the Indians were not prepared to "sell, lease, or negotiate for any land transactions of any kind." The Indians heard nothing more until they read in the papers that 20 percent of their reservation was to be flooded. Several months later they learned at the last minute that hearings on the subject were to be held the next day before the Federal Power Commission in Washington. Chief Rickard dispatched his son William to Washington.

Rickard explained to the commissioners that the reservation was not for sale, that its "inalienable" use had been guaranteed by 18th-century treaties, and that according to tribal religion, the land "did not belong to us, we were only the custodians of it, and we were to preserve it for the coming generations. As such the land cannot be sold and is priceless; there can be no value placed upon it."

Soon afterward, Mr. Moses tried to persuade the Tuscaroras with an open letter:

> . . .Obstructions in the way of the project have already caused unconscionable economic loss to the whole state. Absence of cheap power is aggravating the general business recession. Ten thousand construction jobs which will be provided when the project is fully under way are badly needed to offset rising unemployment. You yourselves have as much at stake as your neighbors, since the local industries where most of you are employed cannot invite much longer the economic difficulties resulting from increased power costs and uncertainties as to the completion of the project.
>
> . . .It will be necessary in the very near future for our engineers to enter your property.
>
> . . .We are carrying out an urgent project of vital public importance, under State and Federal law. We have no more time for stalling and debate. . .

In case his persuasion failed, Mr. Moses also had a bill passed in the New York State Legislature giving the Power Authority the right to confiscate, without any prior legal procedure, any land needed for the project. The Authority had merely to file a map of the territory with the State and deposit with the State Comptroller a sum equal to the land's market value.

But the Tuscaroras began to fight through the courts. With trials still pending in April 1958, it came as a shock to the tribe to hear on the radio that Power Authority surveyors were to enter their lands under police protection the next morning. True enough, ten carloads of State troopers, deputy sheriffs, and plainclothesmen arrived the next morning, armed with tear gas and submachine guns, to protect the handful of surveyors. The Indian women were greatly upset, and wept at the prospect of losing their homes. Many lay down in front of the trucks, while others gave way to their feelings by punching and scratching the officers. Two Indian men were jailed on charges of "unlawful assembly," and the leader of the demonstration, William Richard, was charged with disorderly conduct and dragged to the paddy wagon.

As the agents of Mr. Moses finished their first day's surveying, William Rickard sat in a dark cell wondering where his tribesmen could turn now.

a. How should this land dispute be settled? Consider both the fairness to both sides and procedures by which a fair solution might be arrived at.
b. Compare the justifications used in the Tuscarora case with those used in the Fogg Island dispute and the Kikuyu-English dispute.

3. The Value of Work and a Reliable Labor Force. The English imposed numerous regulations on the Kikuyu to induce them to work. They felt that native labor was essential for the economic prosperity of their new country. This involved an attempt to persuade the Africans to adopt the European virtues of hard work, thrift, present sacrifice for future gain, etc. Do you think the English were justified in trying to impose these values on the Africans in order to establish a "modern economy"? Consider, for example, whether the English or the Kikuyu had a more "humane" way of life.

Teaching Overview

NEGRO VIEWS OF AMERICA

Issues, Themes, and Analogies

In 1964 the publication of the Moynihan report, The Negro Family: The Case for National Action, provoked a furor of opposition from civil rights groups and many political leaders. Although the purpose of the document was to propose a policy for dealing with the problems of the Negro, national attention was focused on the explanation of the problem offered by the report -- the disintegration of the Negro family caused by the poor economic condition of Negro males -- and of the implications of this explanation for the Negro American.

The central theme of Negro Views of America is explanation. The unit book is intended to serve only as an introduction to current public policy questions of open housing, school integration, guaranteed income, police brutality, employment opportunity, etc. The unit focuses on the perceptions Negro Americans have of circumstances that give rise to these issues. The cases raise such questions as : Are Negroes basically different from whites? Should Negroes in urban ghettoes be expected to pull themselves up by their bootstraps? Do Negroes tend to feel inferior? Who should take responsibility for solving problems in race relations? Is racial integration or "black power" the more effective response to the Negro's problems?

One of the major themes of the book is a person's image of himself--the ways he acquires self-respect and the extent to which this depends upon identification with one distinct group and alienation from another group. In developing sensitivity to the self-concepts of others, the class may study other groups, such as the Hebrews, Christian martyrs, Roman aristocrats, 19th-century industrialists, and contemporary adolescents.

An especially useful analogy to develop is the way in which school can influence self-concept. The teacher should present a detailed case in which it becomes possible to examine ways in which the forces of a total system may tend to influence self-respect. This might take the form of a story about a bright boy who falls behind one year in school because of illness, is kept in lower tracks or sections as a result of routine administrative practices, gets into trouble because he is bored with his classes, and finally becomes convinced that he is not as intelligent or talented as other students.

Answers to the question of responsibility generally involve multiple sources -- a network of social responsibility -- rather than a single culprit. Alternative answers, however, have clear policy implications. If we conclude that the Negro himself is responsible for his situation, then perhaps whites have no obligation to help; but if the contrary is true, then whites do share the burden.

The statistics and theories on racial differences introduce the principle of multiple explanation. Given phenomena or data can be explained by several models or theories. These abbreviated theories should be expanded upon by the teacher, who can provide additional evidence for students to consider.

The racial difference theories must, of course, be presented as hypotheses, not as confirmed truth. Their value lies in helping the student select and make sense of data, and in suggesting criteria for evaluating policy.

Dialogue Analysis

The following discussion on civil rights illustrates the problem of deciding on an agenda when many different issues are introduced at once.

Student 1: I don't think Negroes deserve any special help. Groups like the Irish, Italians, and Jews had a tough time-- they were discriminated against--but they always made it on their own. Besides, there's no point in forcing integration on people by law. You won't be able to enforce it.

Student 2: I agree. Besides, Negroes are doing much better. Look at all the famous ones in athletics, government, the arts. I don't think there's really much of a problem.

Student 3: No problem? Look at all the riots! We can't allow all that violence against law and order. If the police and courts just got tougher, we'd see much less trouble in the slums.

Student 4: You people are so prejudiced. Attitudes like yours are the main cause of the problem. You probably don't even know any Negroes or what it's like to live in a slum.

(Thus far, several issues have been introduced, but none treated systematically. They could be phrased as follows: In what ways is the situation of Negroes similar to that of other minority groups in America? Can integration laws be enforced? Can laws be used to influence or to change feelings? Do Negroes actually have equal opportunity? What is the best method of preventing violence in the slums? What is the meaning of prejudice? Can attitudes of whites isolated from slums be a "cause" of problems within the slums?

The teacher can choose one of these issues, and ask the class to deal with it in depth; or he can list all the issues and ask the students to decide which issue should be first on the agenda. Suppose he chooses the latter course.)

Student 5: I think we should compare Negroes with other minority groups, because that's one of the most frequent arguments you hear people making. (Suggests choosing a specific issue.)

Student 6: The most important issue is whether Negroes have equal opportunity. If we conclude they do, then most of the other issues will be easily decided. (Suggests logical relationship between issues. If conclusion on one affects conclusions on others, then begin with first link in a logical chain.)

Alternative Approaches to the Unit

Focus on Self Concept. Discuss how the behavior of adults and students can make a person feel inferior to others. Write short stories about a person who has been made to feel he is worthless. Then discuss whether or not the stories seem realistic and whether the government has any responsibility to protect one's "ego." Analogies and laws dealing with child rearing can stimulate discussion.

How do people behave in order to maintain or improve their self concept? Some people spend money on expensive cars or clothes. Others may tend to degrade those from a "lower class." Does a person's sense of worth depend on his viewing others as inferior to himself? This issue can be explored by examining the roles of teachers, parents, older brothers and sisters, doctors, politicians, athletes, artists, etc., and outlining various components of self-respect. Should schools have homogeneous grouping, placing some students into a general or lower track curriculum?

Focus on Social Science Explanation. Although the unit book does not deal explicitly with the concept of race, this may interest the students. Research in anthropology should be directed to helping students answer the question, "How can I determine exactly to what race and ethnic group I belong?" Have students diagram or calculate how many ancestors they had in 1776. How many of them should have had white, Negro, German, Jewish, or English "blood" in order for the student to classify himself in any of those groups? How complicated would the problem become if you went back 200 more years?

Study the Distinction Between Statistical Association and Causation. Although statistics show differences between whites and nonwhites on many variables, this does not necessarily mean that race is the cause of such differences. To illustrate the point one can gather statistics that show, for example: As the population of ministers increased in the United States, so did the consumption of beer. The number of drownings is higher on days when large amounts of ice cream are sold than on days when little ice cream is sold. Does this mean that ministers cause beer drinking and

and that ice cream causes drowning? Assemble other examples, and then discuss how one would decide whether a statistical association would be sufficient evidence for actual causation between two variables.

In testing the three theories of racial differences, gather additional evidence as suggested by the following questions:

A. If the genetic theory is true, then Negroes should be uniformly "inferior" to whites. Can you find situations in which black people have made greater achievements than whites?
B. If the cultural despair theory is true, then oppressed groups (of any race) react to oppression by becoming submissive and not achieving. Can you find evidence of oppressed groups which have rebelled, achieved, and overcome their burdens?
C. If the discrimination theory is true, then when formal discrimination stops, the oppressed group will soon achieve equal status. Is it true that when racial discrimination was made illegal in jobs, schools, voting, etc., Negroes achieved equal status in the U.S.?

Once you have decided on a reasonable explanation for racial difference, then decide what public policies are suggested for the explanation.

Focus on Ethics and Policy. Consideration of whether it was right for Richard to steal, or whether the violence advocated by Malcolm X is justified raises the general question of when, if ever, deliberately breaking the law is justified. The teacher should prepare a variety of analogies that represent criteria by which civil disobedience or law-breaking might be supported.

The concept of "equal opportunity" seems opposed to the notion of "discrimination" against individuals by virtue of their membership in a particular group. Are some types of discrimination valid? If so, what are the criteria that distinguish legitimate from unfair discrimination? Some analogies: sex discrimination in gym classes and sports; height and weight discrimination for certain jobs; religious discrimination by churches that wish to exclude members of other faiths; ethnic discrimination in social clubs; job discrimination against those who do not have diplomas.

Potential Problems of Teaching the Unit

Unstated Biases. The most serious problem in this unit is probably the feelings and biases that students bring to the classroom. Most believe so deeply in the "bootstrap," or Horatio Alger, model that it is often difficult for them to see why any group deserves help or assistance from another. On the other hand, those who believe that "something must be done" are often insensitive to the powerful emotional reactions that specific policies might set off.

Reluctance to Recognize a Problem. Suburban white students often deny that any significant problem exists. They point to progress in civil rights laws and conclude that, for all intents and purposes, major injustices have been erased. Generally it is difficult for white students to seriously discuss the "extreme" positions on race. The "extremes" are worthy of serious debate and should not be summarily dismissed.

Other Activities

Readings. Claude Brown, Manchild in the Promised Land; John H. Griffin, Black Like Me; works of James Baldwin, Ralph Ellison, Richard Wright, and Langston Hughes.

Sample Tests from "Negro Views of America"
based on materials from Level II

Level A - Factual Items

Multiple Choice: Each of the following questions has one best answer. Place the letter representing that answer in the space before each question.

......1. Which of the following would be least likely to accept the principles of black nationalism as set down by Malcolm X?

A. Cato
B. Frederick Douglass
C. Richard Wright
D. Johnie Scott

......2. In the cases of Cato and Frederick Douglass the most common authority cited by slaveholders in justification of the conditions of the slave system was:

A. Declaration of Independence
B. Bible passages
C. U.S. Constitution
D. State constitution

......3. Richard Wright reveals in Black Boy that his earliest attempts at writing were greatly encouraged by:

A. School friends
B. White employees
C. His Granny
D. Negro newspaper publisher

......4. The characteristic of Richard Wright that least disturbed the white people with whom he came in contact was:

A. His low station in life
B. His independent nature
C. His intelligence
D. His ambition

......5. In "The Youngers Buy a House," the most important reason for Karl Lindner's visit was that the residents of Clybourne Manor:

A. Wanted to guarantee a peaceful integration
B. Wanted to meet the Youngers
C. Hoped to keep Negroes out of Clybourne
D. Wanted the Youngers to be happy

......6. Adam Henry saw white men as all but one of the following:

A. Proprietors
B. Commuters
C. Police
D. Friends

......7. Johnie Scott's view about the possibility of escaping from the ghetto and its effects:

A. Could not be done
B. Could be done only by the smartest people
C. Could be done only by dishonesty
D. Could be done easily

......8. Comparing economic and social staristics on Negroes in the "best" census division to the U.S. median for whites reveals that the "best" Negro census division is:

A. In all items better than U.S. median for whites
B. In all items worse than U.S. median for whites
C. In all items equal to U.S. median for whites
D. In some items better; in others worse

......9. The theory that offers least hope for improvement in the current status of the American Negro is the:

A. Genetic Theory
B. Discrimination Theory
C. Cultural Despair Theory

.....10. The theory that says the Negro faces elaborate and rigidly enforced barriers in almost every activity of daily life is:

A. Genetic Theory
B. Discrimination Theory
C. Cultural Despair Theory

.....11. A recommendation to "break the cycle of Negro poverty and change the style of life that creates it" would be most consistent with the:

A. Genetic Theory
B. Cultural Despair Theory
C. Discrimination Theory

.....12. Which one of the following men seems to be the strongest advocate of violence as a means of improving the status of the Negro?

A. Richard Wright
B. Cato
C. Samuel Fuller
D. Malcolm X

.....13. The approach for improving the status of the Negro in which Samuel Fuller has the greatest faith is:

A. Demonstrations
B. Legislation
C. Court cases
D. Negro self-improvement

.....14. The Black Muslims and Black Power advocates have all the following views in common except:

A. Civil rights movement being diluted by white involvement
B. Separate nation for Negroes
C. Against draft
D. Opposition to integration

.....15. The secondary place of the father in Negro society was demonstrated in all but one of the following cases:

A. Black Boy
B. Adam Henry
C. Meeting the Market
D. Johnie Scott

True or False: Identify true statements by placing a T before the statement. Use an F for false statements.

......1. Frederick Douglass cites cases of intervention by Christian ministers on behalf of mistreated slaves.

......2. In "Black Boy" Richard Wright concludes that white people look upon Negroes as a variety of children.

......3. Adam Henry felt that the whiter a Negro's skin was the more he was accepted by white society.

......4. Adam Henry reveals that light-colored Negroes in Harlem attempt to uplift their image by pretending they are Spanish.

......5. According to Johnie Scott, morality in Negro ghettos is based on white people's system of good and evil.

......6. According to the U.S. Department of Labor, whites and nonwhites generally have equal rates of employment.

......7. Statistics show a college education allows Negroes to close the gap between their incomes and incomes of whites with similar education.

......8. The Genetic Theory about the current status of the Negro generally disregards the effects of environment on intelligence.

......9. The Discrimination Theory holds that the ultimate objective of whites is to break the resistance of the Negro and degrade him as an individual.

.....10. In his distinction between field Negroes and house Negroes, Malcolm X implies that some Negroes were more concerned about self-gain than about the general cause of Negro rights.

.....11. The Negro's success, according to Samuel Fuller, will come when he is in a position to give jobs as well as ask for them.

.....12. It was Adam Henry's view that Harlem would be troubled by less violence if the churches and "junkies" were not there.

Applying Distinctions. Apply the distinction Malcolm X makes among Negroes to the following list of people. Use (F) for "field Negro" and (H) for "house Negro."

. . . .1. Malcolm X

. . . .2. Cato

. . . .3. Richard Wright

. . . .4. Samuel Fuller

. . . .5. Stokely Carmichael

Level B - Analytic Items

1. Assume that you wish to discuss the issues listed below but you can pick only one case to illustrate each issue. Which of these cases would you choose to best illustrate each of the issues? A. The Younger Family, B. Black Boy, C. Malcolm X, D. Adam Henry

Issues

......1. What is it like to live in a northern urban slum?

......2. Should whites have the right to exclude Negroes from suburban housing?

......3. Is it ever right for southern Negroes to steal?

......4. Would it be right for Negroes to start a violent revolution?

2. Suppose you are discussing the question: "Why do Negroes make less money than whites?" Place checks before the two terms that are likely to raise the most difficult and relevant definitional problems.

......1. Negro

......2. Equal opportunity

......3. Ambition

......4. Income

3. Read the numbered statements and then indicate which of the following persons would most liekly have made them: A. Stokely Carmichael, B. Johnie Scott, C. Cato, D. Samuel Fuller.

Statements

......1. If Negroes will only try to start their own businesses, they will be able to pull themselves up by their bootstraps.

......2. Although slaveholders were often cruel, many of us were treated decently, and in my case being a slave wasn't too bad.

......3. Racial integration isn't as important as black people gaining political and economic power so that they can control their own destinies.

......4. No matter how hard he tries, a Negro can never really escape the effects of being raised in a slum.

4. Decide whether each of the following incidents could be used most appropriately to support the genetic theory (mark G); the discrimination theory (mark D); or the cultural despair theory (mark C).

......1. When a Negro couple looks for an apartment, the landlord says the apartment has already been rented. Ten minutes later a white couple applies for the same apartment, and the landlord indicates it has not been rented. He leases it to the whites.

......2. A professor conducts a study in which he gives the same intelligence test to groups of Negroes and whites of similar social and economic backgrounds. At almost every age, the whites score higher than the Negroes.

......3. Mrs. James, a social worker, finds Mr. Johnson, a lower-class Negro worker, at home drinking beer. She asks why he isn't at work. "Got fired yesterday - the boss found someone with a high school diploma." Why aren't you looking for a job?" she inquires. "I been looking for new jobs every week for the last eight months. I get fired for the same reason almost every week. What's the use?"

5. Match each of the specific issues to the general issues they raise.

Specific Issues	General Issues
......1. Should the Youngers move to Clybourne Park?	A. When should a person risk his own security in order to help another?
......2. Was it right for Richard to steal the money from the movie theatre?	B. Does extreme concern for political power of a race necessarily indicate racial hatred?
......3. Should Cato have killed the slave?	C. Is it always morally wrong to break the official law?
......4. Is Stokley Carmichael a racist?	D. Is racial discrimination in housing ever justified?

6. Decide whether facts in "The Case of Adam Henry" tend to support (mark S), refute (mark R), or neither clearly support or refute (mark N), each of the following claims:

......1. Police are cruel to Negroes.

......2. Housing conditions in the slums are adequate.

......3. Slum schools are sensitive to the needs of individual students.

......4. White people own most slum stores and charge excessively high prices.

7. Decide whether each value would be supported (mark S), violated (mark V), or neither clearly supported or violated (mark N) by each of the following policies.
Policy 1: Racial discrimination by landlords and homeowners is prohibited by law.

Values

......A. Private property rights

......B. Equal opportunity

......C. National security

......D. Freedom of speech

Policy 2: Urban ghetto Negroes set up their own governments in which only Negroes make decisions for their own neighborhoods.

Values

......A. Consent of the governed

......B. Racial integration

......C. Quality education

......D. Religious freedom

8. After reading the statements made by Boris and Doris, decide for each analogy whether it challenges Boris' position (mark B); challenges Doris' position (mark D); or does not clearly challenge either position (mark N).
Boris: I don't see why I should give any help to Negroes. I never did anything to hurt them.
Doris: America stands for equality. People of all groups should have equal opportunity.

......Analogy 1. Suppose you are walking down the street when a driver's car goes out of control, runs into a young child on a bike, then crashes into a telephone pole, killing the driver. The child lies in the street bleeding. You didn't hurt him, but do you have any responsibility to help?
....
......Analogy 2. Suppose Congress passed a law that required every family to take inventory each year of their money and possessions. The wealthier families had to give up all extra luxuries and donate them to poor families so they could have an equal chance. Would that be right?

......Analogy 3. Suppose a young Negro was picked up by the police on suspicion of burglary. He was arrested, but found innocent at the trial. When a future employer found out that the man had been arrested several months before, he fired the Negro. Would that be right?

PART II: TRIAL AND EVALUATION

by

Malcolm Levin

5. PROCEDURES

The development and implementation of a new curriculum typically proceeds through five stages:

(1) constructing a rationale for the curriculum in terms of a particular set of objectives and selection of areas of content appropriate to the aims of the curriculum as stated in the rationale.

(2) selecting and/or producing materials for dealing with these content areas.

(3) organizing the materials for teaching purposes and testing them out in the classroom on a small scale experimental basis.

(4) revising and adapting the materials for general classroom use with instructions and/or suggestions for the teachers, followed by more extensive field trials, further revisions, etc.

(5) dissemination via published materials, films, special inservice training institutes for teachers, etc.

Ideally, the focus of critical evaluation shifts as the development of the curriculum moves through each successive stage. In the beginning one evaluates the logic and consistency of the rationale and objectives of the proposed curriculum effort. In the materials development stage such criteria as historical accuracy, faithfulness to the relevant disciplines organization and readability come into play. In the teaching stages, the focus again shifts to learning outcomes and problems encountered by teachers and students in using the materials.

The data and discussion which follow relate to elements in this last stage-selected learning outcomes following a three-year experimental teaching trial and an attempt to assess what was gained both by students and project staff from this three-year experience . While the earlier stages of development of the curriculum were accompanied by ongoing critical evaluation also, this important part of the evaluation process is beyond the scope of this report. Nor is it possible at this time to provide feedback data from those teachers in the field who are, at this writing, in the process of using commercially published versions of the Project's case materials with their classes.

Defining the "Curriculum"

As one progresses from the development of materials to experimental teaching trials in the classroom and then to construction and dissemination of the final product, it becomes clear that the scope and definition of the "curriculum" is constantly changing. Materials are revised or dropped and new materials are added; teaching strategies are tried out and modified. Objectives are also modified (and sometimes clarified) in the process of attempting to teach the "curriculum". When one feels ready to put this curriculum together for use by teachers in the field, one is confronted with the problem of defining what the "curriculum" is (or was), and how much of this one can reasonably expect to communicate to others.

It is, of course, impossible to transmit the experience as a whole, which, in an important sense, is what the "curriculum" really is. However three chunks of this totality can be distilled out - typically, a set of "objectives" (what the students are supposed to learn from the experience), a set of materials selected and organized to fulfill these objectives, and a set of procedures for students and teachers to follow using these materials in the classroom. These elements are typically combined in a textbook (accompanied by a teachers' guide) or in a series of topical paperbacks or in a multi-media "package" for distribution to the education market.

It is easier to distinguish among these elements in theory than in practice. Teachers are especially prone to assume an inherent relationship between learning objectives, materials and procedures. The idea that learning objectives might be quite different for different students or classes using the same materials and procedures or that the same objectives might be accomplished with different materials and procedures is not so quickly appreciated by teachers confronted with a new and unfamiliar curriculum package or set of materials. Many such teachers whom we have encountered at workshops have asked how our published case materials are meant to be used. They have not been satisfied by the reply that they can (and should) be used in a variety of ways for a variety of objectives.

All of this is to preface the point that although we can be reasonably precise about our objectives and what we were trying to measure, we can describe the "curriculum" only in a very general way. And at this stage of our research, it would be difficult, if not impossible to isolate these variables or combinations of variables which made a difference in the results. We can only reflect on these in a rather speculative way.

However, we do see at least four elements which distinguish our "curriculum" from more traditional social studies curricula. First is the heavy emphasis on discussion with corresponding de-emphasis on writing, library research and other skill objectives commonly claimed for social studies instruction. Second is our concern with value conflict as the focal point of public controversy and our use of fictional as well as historical cases to generate debate over conflicting values. Third, and perhaps most critical, is the role of the "teacher" as listener, questioner and clarifier of what the students say rather than as "truthgiver" or guide to student "discovery" of certain preselected truths. Finally, (and related to the last point) is our use of the case materials as taking off points for discussion of important related issues rather than as "case studies" per se for analysis and drawing conclusions. Typically, we are more concerned with the clarification processes taking place in a dialogue than the topic of the dialogue. And this "progress" tends to be measured in terms of an increasing awareness of the complex implications of an issue rather than "solving the problem". The task of the teacher is to keep the issue open rather than to promote agreement or closure.

To "teach" such a curriculum to average students with nine years of experience in conventional school settings poses serious problems. How does one persuade students to take discussions about conflicting values seriously when their past experience with classroom discussion has typically been as a break from more serious work, or when students feel that values are just a matter of opinion and that one opinion is as good as another? How does one keep an issue open when students expect the teacher to provide the answer? How does one get students to listen attentively and to take seriously what each has to say? How are the students to know when they are making "progress" in their discussions?

The three-year teaching experiment raised but did not resolve these problems. Only some tentative answers to some of these questions may be offered in the discussion which follows.

Classroom Conditions of the Curriculum Trial

In the fall of 1964 two classes of sophomores at Newton High School, located in a large, predominately middle class suburb of Boston, Massachusetts, began a three-year social studies program under the direction of members of the staff of the Harvard project. At the same time other 10th grade social studies classes in the same track in this school began to use the case materials produced by the Project with their regularly assigned teachers. The major hypothesis of the experiment was that average high school students can be taught the analytic skills needed to clarify and resolve controversial public issues through discussion.

Due to Newton's reputation for innovation in education, it is often assumed that schools and students there are markedly "different" from those in most communities. In some ways they are. Students and teachers are accustomed to curricular experimentation and change. Prescribed texts have often dispensed with in favor of materials selected or produced by individual teachers or departments. Newton thus attracts more than its share of bright, imaginative young teachers who help maintain a flow of new ideas as they pass through on their way up.

But in many respects Newton High School and its students are much like those in other suburban communities. Students and teachers in

Newton schools do not find it much easier than those in most schools to escape, even for brief moments, from the web of bureaucratic regulations which govern their lives during the school day. The segregation of students by track -- depending on whether or not they are college-bound -- is also somewhat accentuated at Newton by the fact that all but a minority of the students at one of the two high schools (largely by reason of location) are preparing for college while the other serves a much more heterogeneous clientele.

It is at this latter school that we tried out the curriculum with students in the middle (mixed college and non-college-bound) track, which is called curriculum 2A. This seemed an appropriate sample for a curriculum designed primarily for average students, rather than those preparing specifically for college entrance examinations.

As one might expect in a "middle track," some students were comparable to students in the top track in terms of those measures of intellectual ability and performance used by the school to categorize its students. And some would not have been distinguishable from students in the lowest track. For example, in the two classes taught by Project staff, IQ scores obtained from school records ranged from the low 90's to the 120's, the average falling at about 107.

Over the three-year period, some students came into these classes and others left for various reasons, but of the 46 students who finished the third year of the course, most had been with it since the beginning, and all were with the course for at least two years.

The two project classes met four times a week, usually in consecutive periods and were taught by the Project directors and graduate students working toward doctorates in curriculum and instruction in the social studies. Except for the Project directors, the teaching personnel changed each year. During the first two years the two classes were occasionally combined for special presentations or subdivided into smaller groups for discussions, but the most common format was one teacher leading a discussion with from 12 to 24 students. For the third and final year the staff decided to place more emphasis on training the students to assume responsibility for their own discussions. This required dividing the classes into groups small enough for leaderless discussions - i.e. from 2 to 6 students. However, since the size and composition of the groups were contingent upon the nature of the activity planned, we experimented with a variety of grouping arrangements. There were large group presentations for films and lectures; for more informal teacher-led analysis and discussion of case materials, each class was divided into two groups of about twelve students. For training and practice in self-directed discussion there was be one teacher for 5 or 6 students or pairs of students engaged in dialogue.

The Final Testing Program

Toward the end of the third year a battery of tests was administered to all students in the two Project classes, to several other senior classes using our materials in the same school, and to several classes of high school seniors in a nearby suburban town.

To test our major hypothesis, we used a post-test control design which would allow us to compare the performance of our students with others on certain prescribed tasks relevant to the aims of our curriculum and to the traditional curriculum in social studies.

At least two major weaknesses are inherent in this approach. First, the absence of any measures taken before and during the three-year course would not allow us to assess changes that may have taken place in our own students during the course of (or even as a result of) the curriculum experience. Secondly, the one-shot nature of the testing justifies some caution concerning the validity of the results as representing what the students were actually capable of doing. An ongoing, systematic assessment of changes in individual student skills and attitudes relevant to the aims of the curriculum would have provided a more meaningful measure of the impact of the curriculum experience on our students than scores on a single battery of tests.

Unfortunately the Project simply lacked the resources to maintain such an assessment on a systematic basis. Day-to-day feedback from students was channeled into efforts to modify and adapt the curriculum for these students and staff energies were invested in the development of supplementary exercises and materials and experimentation with different teaching strategies.

Choice of Control Groups

The several classes at Newton High School who were being taught with Project materials by their regular teachers provided a natural comparison group for the evaluation. All were Curriculum 2A students assigned to the course as part of routine scheduling in the sophomore year. In terms of academic performance, plans and social background they were virtually indistinguishable from Project students. For this group the students and the materials were the same as for the Project, but the teachers (and teaching) were different. We also wished to compare our students with comparable students who had not been exposed at all to the experimental materials, but who had experienced a more conventional, traditional social studies curriculum sequence in high school. For this purpose we chose a traditional, but academically strong high school in the neighboring suburban community of Brookline. Our target controls were seniors enrolled in the 12th grade Problems of Democracy Course. There are four tracks in this school - Advanced Placement, Honors, Standard and Basic. The Standard track at Brookline is roughly comparable to the Curriculum 2A track of Newton. However, the 12th grade POD classes at Brookline High mixed Honors and Advanced Placement students in with the Standards. Honors and Advanced Placement students in the POD classes and two Modern European history classes at Brookline High School provided us with a high IQ control group and a chance to find out how our own students would compare with academically superior products of a more conventional social studies curriculum.

The typical social studies program at Brookline consisted of world history in the 10th grade, American history in the 11th and either problems of democracy or modern European history in grade 12. However, only American history and one other social studies course were required, so some students took only two years of social studies. Students tested at the two schools also differed in ways other than their curriculum experience. More of the Brookline students expected to go on to college and graduate school and/or to follow major professional careers. The general SES level (as measured by father's education and occupation) of the Brookline students was also somewhat higher. And, the mean IQ of the Brookline honors group was ten points higher than the Project and other control groups. Specific comparisons among the four groups on selected background and aspiration variables are given in Table I.

Table 1

Background and Future Plans of Experimental and Control Groups

	Project (N=46)	Other Newton (N=131)	Brook. Std. (N=114)	Brook. Hon. (N=100)
% Father Attended College	34%	50%	50%	71%
Mother " "	36	40	39	56
Father Bus. or Prof.	43	38	53	63
Father Skilled or Semi-skilled Labor	38	36	25	16
Plan at Least 4 yrs. College (Boys Only)	50	51	74	90
Plan at least 4 yrs. College (Girls Only)	28	29	70	90
Plan Grad. School (Boys)	5	11	30	58
Plan Grad. " (Girls)		8	11	35
No College Plans (Boys)	13	6	9	--
" " " (Girls)	23	11	5	4
Business or Professional Career Plans (Boys)	68	82	97	98
Business or Professional Career Plans (Girls)	62	53	91	98

The data were obtained here from a questionaire filled out by the students in advance of the testing. As such the responses should be viewed with some caution since students in a striving middle class school environment are likely to upgrade their parents' education and their own college and career aspirations in accordance with the general climate of expectations. The large percentage of students in the non-honors groups who report that they plan to attend at least four years of college and pursue professional or business management careers leads one to suspect that this is the case. Of particular interest, however, is the percentage of Project students who reported no college plans. Perhaps the frankly non-college orientation of the Project curriculum influenced them to take a more pessimistic (or realistic) view of their own future plans.

What to Measure

The central focus of the evaluation was on testing students' ability to apply the concepts and skills ostensibly taught in the Project curriculum. These were considered under two broad categories: 1) Political, legal, and social science concepts; 2) Discussion analysis concepts and discussion process skills. The first category included such concepts as majority will vs. power elite theories of political decision-making, monopoly vs. competition, individual civil liberties vs. community welfare and the distinctions between statutory law, common law and administrative law. The second category was concerned with the ability of students to:

(1) Construe specific public controversy situations in terms of general legal-ethical issues.

(2) Identify and evaluate the function of different kinds of statements made in dialogues about controversial issues.

(3) Identify sources of disagreement and impasse in a dialogue and prescribe ways to handle these problems.

(4) Evaluate statements which either facilitate or hinder clarification of the issues in a dialogue.

(5) Use certain analytic concepts and discussion process strategies to clarify and resolve issues in a discussion.

Selection of Content for Testing

Three broad domains of factual knowledge were identified to be sampled for testing: (1) Knowledge about topics not covered in our curriculum, but which students in traditional high school social studies courses would probably have been exposed to - e.g. Jacksonian Democracy and the Spanish-American War; (2) Topics covered both in our curriculum and in traditional high school social studies courses - e.g. the American Revolution and the New Deal; (3) Knowledge and skills idiosyncratic to our curriculum - e.g. Colonialism in Kenya or analysis of statements in a dialogue.

Since our major concern was to test learning outcomes related to our curriculum we concentrated on the latter two domains, but did not entirely ignore the first. Furthermore, since the curriculum aimed at teaching general analytic concepts rather than content *per se* we decided not to test specific information from the cases in the curriculum. Thus, while we might ask about the concept of colonialism we would not ask students to recall particular events in the history of Kenya's struggle for independence.

Finally, in the domain of knowledge covered in more conventional social studies courses we anticipated that the major concern would be for American history, the only required social studies course in most high schools.

The whole area of attitudes and attitude change was excluded from the final Testing Program largely on two grounds - limited resources and the absence of any baseline measures from which any change in attitudes after exposure to the curriculum experience could be estimated. It is unfortunate that in focussing on particular cognitive skills we did not attempt to measure the attendant psychological and attitudinal effects on the students of working closely with university scholars and researchers in an experimental venture over a three-year period. In some important ways the experience of the students in the two classes taught by Project staff members was markedly different from that of their peers in other classes. The informality of procedure, the concern of the staff "teachers" for the students' own views, the frequent use of small-group settings, and the heavily oral nature of the curriculum combined to create an atmosphere quite different from that in most social studies classrooms.

What Kinds of Tests?

In developing instruments to measure different kinds of learning outcomes, some basic format choices have to be made. One choice is between oral and written testing. In general, the requirements of large-scale testing under standardized conditions combined with limited resources and time preclude oral testing. However, since the Project curriculum was heavily weighted towards oral behaviour, some oral testing seemed essential if we were to obtain any kind of valid estimate of our students' ability to analyse public issues in a discussion.

Objective vs. Subjective Testing

In paper-and-pencil testing the most common distinction made with regard to format is between "objective" tests (multiple choice, true-false or fill-in formats) and the "essay test" where the student is asked to organize and construct his own answer. The "objectivity" of the first type of test typically resides in a judgmental process of validation prior to scoring. If there is only one "right" answer and this answer is one of two or more choices, the test is considered "objective". If scorers have to make judgments about the quality of an answer, the test is considered "subjective".

The distinction is less useful for constructing test items. A multiple choice true-false item may be as subjective as an essay item insofar as the "correct" answer is determined by the person who constructs the item.[1] The requirements that a question have one and only one correct answer also restricts the kinds of learning one can test without being unduly tricky.Factual and definitional claims lend themselves best to this sort of testing. For example, a clear and unambiguous item would be something like the following:

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[1] For a more detailed discussion on this point see Hoffman, B. The Tyranny of Testing, New York, Collier Books, 1964.

War broke out between England and the American Colonies shortly after.

A. The Stamp Act was passed
B. The port of Boston was closed
C. The Boston Massacre
D. The Boston Tea Party

This sort of factual recall question is typically frowned upon by those who advocate testing more complex reasoning processes. However, the further you move away from this type of claim to more general factual claims, predictive claims and interpretations, the less confidence you have that the "correct" answer designated is the only answer. Constructors of multiple choice items get around this by qualifying the instructions ("Pick the best answer..."), but unless the alternatives are irrelevant or clearly wrong the selection of the "best" answer rests on the judgment of the test-maker. Of course one can validate the choice by getting several experts to take the test and reach agreement on the best answer. Nevertheless the emphasis is on getting the answer - i.e. guessing what the testmaker had in mind - rather than giving an answer and supporting or explaining it. Since the emphasis in our curriculum had been on asking questions and supporting positions rather than arriving at answers or solutions to problems, it made little sense for us to make extensive use of tests which place a premium on getting the "right" answer. Furthermore, no published tests provided measures for the kinds of "knowledge" we were interested in testing.[2]

Structured vs Open-ended Test Items

A more meaningful criterion for distinguishing among alternative written test item formats is the degree to which the student's response is controlled and the "correct answer" pre-determined by the test-maker. At one end of the continuum is the multiple choice test; open-ended interpretive essay questions fall toward the opposite end of the continuum; short answer questions and factual essay items would fall somewhere between.

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[2] A thorough critical review of tests which purported to test "critical thinking" skills was done for an earlier experiment with junior high students. See Berlak, H. Unpublished qualifying paper, Harvard University, 1962.

The highly structured multiple choice test is easier for the average student to take because the answer is in front of him and almost no writing is required. However, this structure may work against the student who interprets the question differently and either picks a "wrong answer" or doesn't find the answer he would give among available choices. On the other hand the lack of control over student responses inherent in the more open-ended test item poses formidable scoring problems. Furthermore, the amount of writing required may pose a severe handicap to students who are not particularly skilled in expressing themselves in writing.

Given enough time and resources it should be possible to develop scoring systems which could be used with acceptable reliability (i.e. inter-scorer agreement) to score open-ended test items. However the question remains whether the information gained from the open-ended test is worth the additional expenditure of time and effort. If it is possible to get at a student's understanding of a particular concept more economically with a structured item or items that can be mechanically scored, this should be the preferred format.

In general we decided to make use of the structured multiple choice or matching format only insofar as items could be constructed which did not depend heavily on general reasoning ability and were neither tricky nor trivial. We would then turn to the less-structured formats. In both cases we were faced with a dilemma regarding the performance of our own students.
Most of our students were adept neither at reasoning out the answers to difficult multiple choice questions nor at expressing themselves in writing. The higher IQ control group would thus have an advantage whichever format we chose to use. Furthermore, since many of the concepts and skills valued in our curriculum could be assessed only through relatively unstructured formats, we were faced with the choice of either requiring our students to write more than they were accustomed to or not testing these concepts at all.

Pencil-and-Paper Tests

Three written tests were constructed to measure learning outcomes directly relevant to the Project curriculum: (1) A Concept Application Test consisting of 57 multiple choice and matching items and four open-ended short essay-type questions; (2) a structured Dialogue Analysis Test with 25 multiple-choice items; (3) an open-ended Dialogue Analysis Test consisting of five short answer questions on each of four short dialogues, two presented on tape and two on paper. In addition to the above we constructed an open-ended factual-recall test to compare students on retention of factual information about major topics in American history. The only standardized test used was the High School Problems of Democarcy test published by Educational Testing Services as part of its Cooperative Social Studies Test series. This was used mainly as a standard representing what the testing establishment considers to be important knowledge common to many P.O.D. social studies courses. We wanted to use one test which had at least nominal relevance to the course the Brookline students were taking and for which norms would be available for students other than those we would be testing.

Insofar as it was possible to do so, the tests were pilot-tested either with students in other schools. The Concept Application and open-ended American History Factual Recall tests were administered to a few classes in another school to check item discrimination ability, to identify problems students might have in following the directions given or understanding the questions, and to get an idea of how much time students would need to complete each test. The item formats used for the structured Dialogue Analysis Test had been tried out with our own students in earlier unit tests and exercises. Unfortunately, the open-ended Dialogue Analysis Test was developed late and time did not allow for pilot-testing.

The Dialogue Analysis Tests

The open-ended test formats were used to find out if our students would (as well as could) use concepts taught in the course to analyze and evaluate statements made in a discussion without specific cues provided by a structured multiple choice format. At the same time we did not wish to unduly penalize the student who might also know how to apply the concepts once they were provided enough cues to tell him when and where to apply them. So the multiple choice format was retained as well.

The formats for the structured items were adapted from two tests used in the final evaluation of our junior high curriculum project.[1] The open-ended test format was frankly an experimental venture developed as a compromise between the cue-laden multiple-choice approach and the completely cue-free open essay (i.e. "Analyze and evaluate the following dialogue"). Yet this compromise seemed appropriate since the task bore a close correspondence to the discussion analysis training experience of our students.

In its final form the test consisted of four short dialogues, each about a page in length. For each dialogue, the students were asked to:

(1) identify the major issue in the dialogue
(2) identify all other issues raised in the dialogue
(3) tell what the dialogue had accomplished
(4) identify the main problem(s) in the dialogue - i.e. what's wrong with it?
(5) suggest what the people in the dialogue should do next to resolve the problem(s) mentioned above.

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[1] See Oliver & Shaver, Teaching Public Issues in the High School Boston; Houghton-Mifflin, 1966.

Essentially, the four dialogues could be considered four alternate forms of the same test. The first two were put on tape and played through three times while the students wrote down their answers to the questions. The second two were mimeographed and passed out for the students to refer to as they answered the questions.

The American History Recall Test

"American history" was treated in our curriculum as selected topics - The Development of the Anglo-American Legal Tradition, The American Revolution, The Negro in America, Business, Labor, Immigration, Political Process, Judicial Process, and the New Deal. Thus, not only were large chunks of what is typically covered in a conventional course missing, but the topics we did cover were treated selectively in terms of public issues with little concern for the political-military chronology which serves to tie much of American history together in high school courses and text books. Would this put our students at a marked disadvantage when compared with students who had followed a conventional history course? Previous findings with junior high students indicated that this would not be the case. Students following our experimental curriculum did as well as comparable controls on the California American History Test.[1] However, after examining several available published tests and hundreds of test items, we concluded that any test made up of these items would be more a measure of what they didn't know than what they did. Many items were aimed at specific bits of factual knowledge; others were so broad that they seemed to be measuring general reasoning or test-taking ability rather than knowledge of content.

Testing these students on recall of significant information about American history thus presented a problem. First, they were being tested in the 12th grade and all but a few had taken the required U.S. history course the previous year. It did not seem reasonable to ask them to recall specific factual information a year after the course was over. Second, when teachers at the two schools involved in the evaluation were asked to select topics which they covered from an array of topics commonly covered in U.S. history textbooks, although most agreed on some topics - (e.g. the Revolution) - there was little agreement on many others. Thus, while the most commonly used textbooks vary little in their coverage of various periods or topics in American history, individual teachers do. Therefore, we felt it would be unwise to make *a priori* assumptions about what students may have been exposed to in a "traditional" course. Taking these factors into consideration it did not seem reasonable to leave the selection of test items either to the biases of the test-makers or to our own. Regardless of how good the items might seem to us or an expert, we had no way of telling whether the items selected would be testing what the students had actually been taught.

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[1] See Oliver & Shaver, *Op.Cit.*, pp. 276-282.

In an attempt to resolve this problem we decided to experiment with a more flexible, unstructured test format. We wanted to know what the students knew about U.S. history without prejudging the relative importance of different bits of this knowledge. The most direct approach would have been to ask each student in an open-ended interview what he or she knew about major topics in American History. But this was impossible given the number of students and our limited time and resources. The test had to be written and short enough to be done in a single class period.

Since differences in writing ability and fluency contribute much to performance on open-ended essay-type tests, we wished to minimize the advantage that some students might have in writing ability. A list of major topics in American history was drawn up and students were asked to write down as much as they knew about each of these in a limited period of time. The instructions emphasized the importance of factual accuracy and the irrelevance of organization, style, sentence structure, grammar, etc. to the scoring.

To pilot-test the format, ten major topics covering the span of American history from the Revolution to the Cold War were given to two twelfth grade classes in a nearby suburban high school with instructions to write down all the factual information they knew about each of the topics listed allowing about 4 minutes for each topic. One class was described by its teacher as high in general academic ability, while the other was characterized as low.

The results raised some questions about the validity of our earlier findings of little or no difference between groups on the basis of standardized multiple choice tests. Although there was wide variation in scores within each class, the curves for each class did not overlap at all. The total scores ranged from 0 to 28 in the lower class and from 28 to 68 in the higher class. This suggested not only that there were marked differences in factual knowledge about American history, but that this information (much of it admittedly rather trivial) was retained by some students for a rather long period after its usefulness for examination purposes was ostensibly over. On the other hand, the extremely low scores of the low-ability group seemed to reflect either abysmal ignorance of what could be considered common knowledge of the most basic facts about the American past or lack of sufficient motivation to put this knowledge on paper, or both.

Our curiosity to check out this finding with a larger sample combined with a desire to give the students as much flexibility as possible on this test influenced our decision to use this format in the final testing program in spite of the scoring problems.

A Methodology for Assessing Discussion Skills

Although pencil-and-paper measures provide data on how well students can analyze dialogues about public controversy using analytic concepts taught in the curriculum, they do not tell how well, if at all, students can actually employ these concepts in discussion. Sampling this terminal behavior required a much less restrictive format than a written test.

At the end of the junior high phase of the Project the ability of students to orally defend a stand on an issue was tested in a semi-structured "socratic" interview situation. The student argued an issue with an adult interviewer who was trained to use certain probes to test the student's ability to rationally defend his position. The procedure is discussed in more detail in Oliver and Shaver[1]. The main advantage of this technique is the control that the interviewer has over the situation. The main disadvantage is that it is too much like a test-situation. The student is on the defensive against an adult with superior skill and knowledge. The semi-structured interview provides little or no opportunity for the student to probe and challenge and to direct the course of the dialogue. Our experiment with leaderless discussions during the curriculum trial strongly suggested that we could obtain lively, spontaneous discussion behavior by pairing students who disagreed over an issue. This would provide a more rigorous test of whether Project-trained students not only could, but would use the operations we had attempted to teach them in the experimental curriculum.

An experiment conducted by Berlak and Ellis supported the feasibility of this format. The experimenters paired college and graduate students who disagreed over the question of federal aid to parochial schools, gave them some case materials to refer to, instructed them to discuss the issues for approximately twenty minutes, and taped their dialogues. If high school students were paired in a similar manner, a setting is provided in which the students are free to manage and direct the course of their own discussions and to probe each other's positions.

A Pilot-Trial

Toward the end of the second year of the curriculum trial eighteen students from the two high schools in the city where the experimental curriculum was being taught were recruited to discuss the question: "Should the government censor crime and violence on TV?" The students were paired as much as possible according to the position they took on the question. Most of them opposed censorship.

Three of the nine dialogues were productive enough to give us further insight into useful strategies employed by bright, verbal adolescents in the course of argument. Listening to the whole sample helped us identify additional operations which seemed to distinguish good dialogues from poor ones.

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[1] Teaching Public Issues in the High School, ch. 11.

These taped discussions revealed tendencies which we had also observed in discussions based on short vignettes with few facts. Several discussants unloaded their opinions on particular TV programs which the topic inevitably triggered off, thus ignoring the issues. They also made infrequent use of the rather large amount of factual material provided in the case.[1] Finally, the discussions revealed a general reluctance to argue the case for censorship without considerable qualification. The discussants revealed a strong commitment to the value of freedom of expression and did not take very seriously the arguments and evidence advanced against the alleged evils of airing crime and violence on TV.

This pilot experiment with the dialogue format suggested that:

1. It would not be necessary to provide a great deal of data on whatever issue or issues we built into a case for discussion. The students tended not to use large amounts of data.

2. The alternative choices presented in the case would have to be equally attractive or unattractive in order to generate sufficient disagreement to sustain the discussion. Care would have to be taken not to pit a general value to which adolescents seem even more strongly committed than many adults (e.g., free speech, personal privacy, and liberty) against a value more easily compromised.

The Case

The two-man leaderless dialogue format required the construction of a case with enough live issues built in to generate at least fifteen to twenty minutes of discussion without any external prompting. The "Scholarship Case", as it was called, was designed to elicit conflicting judgments between and within students about to finish high school and go on to work, college or military service. The specific decisions asked for in the case were: (1) which of two quite different students should get a full scholarship award to the college of his choice; and (2) how should a particular member of the Scholarship Committee who has important political ambitions at stake vote on this scholarship award? A variety of specific and general issues were raised by the problem situation presented in the case, e.g., what should be the relevant criteria for awarding a scholarship; who would benefit most from college and contribute more to society; should the United States remain in Vietnam; what are the proper limits of dissent; should a person place personal principles above political expediency. The case was pilot-tested for its ability to meet the three essential conditions of this experiment: (1) that even slow-reading students could read the case and answer the questionnaire within a forty-minute class period; (2) that students would split fairly evenly over the specific choices presented in the case; and (3) that small leaderless groups of students would find enough in the case to talk about for at least twenty minutes. The Scholarship Case passed all three tests.[1]

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[1] The "case" consisted of selections from testimony before a Senate Sub-Committee investigating the causes of crime and juvenile delinquency in 1961 and 1962. The testimony was selected to provide balance between the two sides of the issue. See appendix.

Measuring Discussion Competence: Previous Efforts and Problems

The need for relevant measures of the ability of high school students to rationally defend a position in a discussion following a two-year experimental curriculum led Oliver and his associates to experiment with content analysis. Oliver himself had employed a modification of Bales' (1951) Interaction Process Analysis System in an experiment to relate the behavior in student-led group discussions of a controversial case to certain measures of learning, interest, and attitudes (Oliver, 1956). Bales' categories, however, construe small group behavior mainly in terms of the interpersonal dynamics within the group--the affective and procedural dimensions--not in terms of cognitive aspects of the interaction. In an effort to differentiate behavior within the cognitive domain (e.g., Bloom, 1956; Smith et al, 1959) Oliver, Shaver, and Berlak expanded Bales' twelve categories into a multi-dimensional content analysis system which they called the Analytic Category System or ANCAS for short. The basic methodology and unitizing conventions employed by Bales were retained. The basic unit of analysis was defined (after Bales) as "the single sentence expressing or conveying a complete...thought" (Oliver and Shaver, 1966). Both systems met the criterion or exhaustiveness, i.e., all units were scorable under one category. However, Bales' categories were mutually exclusive, allowing no double scoring of units. In Oliver's system a single act could be classified simultaneously along four dimensions. Bales' system was also designed for live-scoring of small group interaction, an advantage which was sacrificed by Oliver in the interest of covering several aspects of interaction--cognitive, procedural and affective--which might be relevant to the evaluation. Scoring with ANCAS required the message to be on tape or typescript.

A detailed description of ANCAS with scoring conventions may be found in any of the studies done under the Project (Berlak, 1963; Ellis, 1963, Archibald, 1965). Ellis describes ANCAS as consisting

> essentially of two scoring schemes superimposed on each other to form a matrix of categories. The first of the schemes scores dynamic operations, i.e., those operations which explicitly require the scorer to deal with a context beyond the statements being explained... The second dimension scores static aspects of discourse. The static scheme which is scored without specific reference to the context, categorizes statements on the basis of type. Every unit of behavior, therefore, is scored in some static category or other, while dynamic acts are scored only when applicable. ." (1963, p.23).

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[1] See appendix.

In addition to the two dimensions outlined above, each unit of behavior could be scored along two other dimensions: a "posture" dimension, distinguishing among declarative, interrogatory, or challenging statements and expressions of self doubt; and an "orientation" dimension distinguishing between statements which are persuasive in intent and those in which the speaker attempts to step outside of the argument to analyze how the problem might be viewed or discussed.

In the original version of ANCAS there were four dynamic categories:

1. Consistency-Inconsistency: recognizing and/or dealing with consistency or inconsistency between values, means and ends, principles and actions, and applying a general rule or policy to different situations.

2. Specifying: supporting general claims with more specific facts.

3. Generalizing: drawing a generalization or a conclusion from two or more specific facts of instances.

4. Qualifying: explicitly modifying a position by granting an exception to a general rule or policy.

In his validation experiment, Archibald (1965) added several more "dynamic" categories which included such operations as giving reasons or evidence or citing an authoritative source to support a factual claim, making conditional statements, and questioning another person's position. A complete listing of the ANCAS categories is given below.

The ANCAS Categories

Static Categories

General Value Judgment
Specific Value Judgment
General Legal Claim
Specific Legal Claim
General Factual Claim
General Factual Claim: Historical[1]
General Factual Claim: Predictive
Specific Factual Claim
Specific Factual Claim: Historical
Specific Factual Claim: Predictive

Definition
Case (Analogy)
Relevance
Source
Clarification[2]
Repeat[2]
Debate Strategy[3]
Task-Procedural[3]
Deviance Control-Procedural[3]
Affect[3]
Tension/ Tension Release[3]

Dynamic Categories

Generalizing
Specifying
Qualifying
Consistency
Clarifying
Premising
Reason
Authority
Evidence
Question

Posture Categories

States
Asks Question
Challenges
Expresses self-doubt

"Other" Categories

Analysis (of argument)
Other (dealing with other position)
Loaded Language
Attributing Motives

1. Underlined categories added by Archibald

2. Categories used in studies of Berlak and Ellis only

3. Categories omitted in all three studies

Scoring Discussions with ANCAS

Ellis points out that: "...The interrelationships among the components of critical thinking used by the student must be viewed in such a way that patterns, rather than segmented operations are evaluated..." (p.22). A discussion or other document scored with ANCAS yielded an act by act (virtually sentence by sentence) pattern of marks classifying all statements by type (and optionally by posture and orientation) and some statements by dynamic function. However, "patterns" provided by ANCAS were retained only through the process of coding the interaction in sequential order. Once the quantitative analysis began, this pattern of sequential operations was replaced simply by frequency totals in each category for each individual or document. Although the frequency totals were investigated using factor analytic techniques, no attempt was made to analyze and interpret the original sequential patterns of operations. However, given the level of abstraction of the ANCAS categories, it seems doubtful that these patterns would be meaningful or useful for diagnosing problems in a discussion.

A quantitative estimate of the quality of discussion performance was derived from ANCAS in two ways. Berlak (1963) constructed a single "Valued Category Score" (VCS) by summing the unweighted proportions of all acts scored in categories deemed "valued" in terms of the prescriptive model of rational justification and analysis outlined by Oliver and Shaver. The "valued categories" included all dynamic categories and selected static categories. In a later study, Archibald (1965) modified the procedure so that only those valued static categories which were scored simultaneously in valued dynamic categories were included in the VCS.

Three studies have been conducted to assess the validity and usefulness of ANCAS in evaluating the quality of arguments in two-man dialogues between college students (Berlak, 1963; Ellis, 1963) and one-man arguments taken from the Congressional Digest (Archibald, 1965). Berlak and Ellis, in a joint experiment, recorded twenty-six fifteen-minute dialogues between graduate students who disagreed on the question of Federal Aid to parochial schools and had these scored with ANCAS. Berlak found moderarely high positive correlations between his VCS and independent quality ratings on ten of the discussions made by six professors (four in Law and two in Philosophy). The correlations ranged from .51 to .63. He concluded:

> The consistently strong relationship between the VCS and the raters probably means that categories that the theory identifies as most crucial to dealing with political discourse apparently 'get at' dimensions of behavior valued by the raters (p. vii).

However, with few exceptions, individual categories and even factors obtained from a principal components analysis of the categories showed low or zero correlations with the rating scales.

Ellis compared the patterns of category scores obtained with ANCAS with the category patterns yielded by a content analysis using the Third Psychosocial Dictionary of the General Inquirer (Stone et al, 1962) and found a positive relationship between the patterns derived from these two systems. Using weighted combinations of selected Inquirer tags (categories) in a multiple regression analysis, Ellis was able to predict total "valued category scores" with considerable accuracy. Ellis concluded:

> Not only can electronic digital computers be used to automatically score ANCAS, they can be used to diagnose and recommend changes in its structure (p. 116).

However, the accuracy of such automated scoring, as Ellis himself noted, would be contingent upon the construction of a special politico-legal dictionary derived from the theoretical dimensions outlined by Oliver and Shaver. The question remains whether specific language cues alone (which computer analysis requires) can identify the dynamic operations most valued in the prescriptive model. For example, what language cues would be provided in the dictionary to tag analogy?

While the findings of Berlak and Ellis lent some support to the claim that ANCAS was a valid measure of critical thinking in oral discourse, a study by Archibald (1965) cast some doubt on that claim. Archibald sampled 150 Congressional speeches on proposed controversial legislation as the documents for analysis. The documents were scored with ANCAS and independently rated on a global quality scale by members of the editorial board of the Harvard Law Review. The obtained correlation between the quality ratings and Archibald's modification of the valued category score was .16, barely significant statistically at the .05 level and practically insignificant. Furthermore obtained correlations between individual valued categories and the quality criterion ranged from -.22 to .23. Archibald's major finding was that two negative "demagogic" categories added to ANCAS for this study (Using Loaded Language and Attributing Motives) accounted for as much of the variation in the quality ratings as did all the theoretically valued categories put together. After discussing at length some of the possible explanations for these discrepant findings (pp. 206-225), Archibald cautioned against extending ANCAS beyond the domain of behavior for which it was originally constructed.

ANCAS was designed as a systematic observational system for categorizing verbal interaction in small groups. Many of the categories valued in the system represent operations which are adversarial in nature. That is, they may be seen as "valued" in the sense that they pose as a challenge to another person in the argument to justify his position, clarify an apparent inconsistency, etc. When there is no other person in the argument, as is the case with a speech or essay, many of the operations which are valuable in a dialogue may appear to be purely rhetorical devices for persuading an unseen audience. Only certain ANCAS categories would appear to get at the most valued operations in a speech or essay--Specific Factual and Legal Claims, Evidence, Authority, Sources and Reasons. Although the obtained coefficients were quite low, Archibald did find statistically significant positive relationships between the law students' ratings and some of these categories: Specific Factual Claim (.23), Source (.19), Authority (.18) and Evidence (.17). The coefficients for Reasons (.11) and Specific Legal Claim (.06) were in the right direction, though non-significant (p. 164).

Another methodological problem deserves brief mention with regard to these studies--the problem of rater bias on the scales. Berlak asked his judges to rate the individual performances of twenty graduate students (ten dialogues) on six 7-point scales. The scales were: Justification and Proof Process, Continuity, Complexity, General Framework, Sensitivity to the Dialectic, and an Overall Quality scale. The judges were not trained in the use of the scales. Berlak provided them with general descriptions of these scales and cautioned his raters against the usual sources of bias. Apparently the raters paid little attention to these. Intercorrelations among the six scales were all in the .90's, while intercorrelations among the raters on each scale ranged from -.09 to .79, with most of the coefficients below .60. Thus both the halo effect and idiosyncratic rater bias influenced the results. Berlak noted particularly that, although the four Law professors tended to agree on their ratings, the two Philosophy professors disagreed between themselves as well as with the four others (pp. 141-151). Yet in spite of these problems the ratings correlated rather highly with the ANCAS valued category score. Archibald, on the other hand, used only one general scale, provided his raters with explicit rating instructions, and trained the raters using selected documents to anchor the ends of the scale. As a result agreement among his raters was considerably higher, but correlations with the ANCAS categories were lower than those obtained by Berlak. Part of the explanation for this discrepancy may lie in the nature of the "documents" scored and the different methods used to compute the VCS, which were discussed above. Another possible explanation is that Berlak's scales represent some of the most important general dimensions of the prescriptive model of good argument outlined by Oliver and Shaver--dimensions which ANCAS cannot get at. Possibly these general scale criteria "tuned in" the professors to these dimensions better than an ANCAS scoring manual would have.

ANCAS Modified

When the need to evaluate student competence in discussion arose once more in connection with a more recent high school social studies curriculum project, the merits and demerits of ANCAS were weighed and the instrument was found wanting on at least two basic counts. First, ANCAS required too much expense of time and effort for the relatively little useful information it provided. If all the categories are used, a scorer must make discriminations along four dimensions for every sentence in the discussion. He must decide which of up to seventeen statement types the sentence fits; he must decide whether or not the statement serves one of four to ten dynamic functions in the argument; he must categorize the statement posture; and finally he must determine whether the statement is persuasive or analytic in orientation. Training people to make all these discriminations reliably and consistently over different discussions proved to be a monumental task in the past, with only partial success. Intensive training was required to establish adequate reliability, i.e., interscorer agreement, and this reliability tended to break down over the time required to score a moderately large sample of discussions. For example, even though Archibald pre-marked the scoring units on the 150 documents scored in his study to eliminate this major source of unreliability, 46 documents still had to be rescored (p. 116).

The sheer complexity of ANCAS also limited its usefulness for both research and teaching purposes. If criteria for evaluating the quality of discussion behavior are to made available to the classroom teacher they will have to be conceptually simpler, with fewer categories. The statistical approach to simplifying a complex pattern of variables-factor analysis--was attempted in all three studies mentioned above. The resulting factors were not conceptually clean enough to aid in simplifying the instrument.

The second conclusion one can draw from previous studies using ANCAS is that category scores only get at a fraction of what goes into a "good" discussion about public issues. For example, ANCAS ignored the relevance of statements or issues to the discussion topic. It provided no direct measure of the extent to which individuals attempt to deal with the substance of each other's statements. The continuity of a discussion was also beyond the scope of this scoring system.

However, the major flaw in ANCAS (or any content analysis system which counts frequencies of specified categories of behavior) as a measure of "quality" is that it ignores the most obvious differences in quality and importance among the acts it assigns to a given category. A piece of evidence or an analogy may be trivial or critical at a given point in a given dialogue, but the categories make no distinction on this basis. Quantity is equated with quality. Lumping together trivial and important behavior depresses the relationship between the categories and independent quality ratings. For example, one person uses four trivial analogies in a discussion while another uses just one crucial one. A judge listening to the dialogue may rate the performance of the latter higher than the former, but ANCAS would favor the former on points.

The "valued category score", the only quantitative measure of quality derived from ANCAS, seems of limited value as a measure of the quality of performance in discussion. Archibald's conservative VCS explained almost none of the variance in the quality ratings of senior law students. Even Berlak's more discriminating index explained only 30% of the variance in independent quality ratings.

Finally, the distinction made in ANCAS between "dynamic" and "static" categories breaks down once you go beyond the classification of claims as factual, legal, definitional or value. A statement in a discussion is useful only because of the function it serves at that point, not in terms of any static properties it may have. For example, a specific factual claim (valued category in ANCAS) is only useful when used to support or challenge another more general claim. Static categories defined as valuable in ANCAS were so defined because of an implicit assumption about how they functioned in an argument.

The essential distinction is between statements which can be readily classified according to function using specific language cues within the statement and those that cannot. With reference to content analysis categories, the distinction is between low-inference categories and high-inference categories. These are continua, not dichotomies. Specific statements and categories may be identified as being more or less amenable to scoring without reference to cues beyond the statement itself.

The degree of specificity required for reliable content analysis and the amount of inference required to assess the function of statements in ongoing discourse poses a dilemma to the evaluator. Natural language refuses to conform to the conventions specified for the analysis of that language. The more precise the language conventions and the lower the burden of inference on the scorer the greater is the risk of excluding valuable behavior which does not fit the conventions and of including behavior which fits the conventions but serves no useful purpose in the discussion. When the burden of inference on the scorer is higher the scoring reliability tends to fall below acceptable limits. We have found no really satisfactory solution to this dilemma.

These conclusions suggested two lines of further effort. The first would be an attempt to develop a more discriminating VCS index weighing the different valued categories according to their empirical contribution to a criterion measure of quality. The alternative was to abandon the single criterion score and rely on a variety of separate measures by individuals who are familiar with the Oliver-Shaver model of rational discussion. Both categories and scales might then be used as diagnostic devices to determine the extent to which students are employing significant operations taught in the curriculum.

A case could be made for either choice depending on which assumptions one was willing to make. If you assume that the variance in discussion quality that is not explained by the single valued category criterion score is mostly error, i.e, due to the unreliability of the measures, then it

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would make sense to follow the first course and try to minimize this error. On the other hand, if you assume that much of the unexplained variance represents real difference in quality not tapped by the categories or the criterion measure, then the second path may be preferred. A VCS index is undoubtedly more objective in the sense that it is independent of subjective judgements of quality. However, to the extent that the index does not take into account important components of discussion quality, it may be a less reliable measure than subjective ratings by a person or persons familiar with the Project criteria.

Previous experience with ANCAS suggested that further research efforts be concentrated in two areas. The first was to indentify components of "good" discussion not accounted for in the ANCAS system and to attempt to find ways to measure these components. Berlak's scale criteria and Archibald's expanded list of "dynamic" categories suggested two lines of investigation--to measure some broader characteristics of discussion behavior beyond the scope of individual operations; and to identify additional specific operations which help to discipline and direct a discussion. The second, and somewhat conflicting, effort was to try to simplify the evaluation instruments so that they might be accessible to others interested in teaching students to discuss public issues. As a first step toward this end, the "static" statement-type categories were eliminated.

In sum, an effort was made to develop simpler, but more discriminating measures of the quality of student performance in discussion, which might be of practical as well as theoretical value. This signalled a retreat from the kind of comprehensive systematic observational approaches explored by Oliver, Shaver, Ellis, Berlak and Archibald.

Dissatisfaction with the usefulness of ANCAS relative to the investment in time and effort to score discussions with this instrument led to reopening the question "what constitutes a good discussion?" During the 1965-1966 academic year, large samples of discussion behavior were taped utilizing a variety of topics discussed by groups of adolescents and some adults. Group sizes varied from two to five. Staff members listened and took notes, looking for meaningful ways to construe the discussion behavior, trying to identify critical actions or operations which seemed to faciliate or hinder "progress" in the discussion. It was a fishing expedition and not very productive from the point of view of generalizable research, but it provided us with some extremely useful insights.

In formal debate situations the people who take each side of the question are usually provided with a wealth of information, data, expert opinion, etc., with which to support their position. In a series of informal discussions we taped, individuals were provided with a brief story. The story would pose a dilemma or call for an ethical judgment, but only the most rudimentary "facts of the case" were provided.[1] The people discussing the problem had to provide their own discussion material. Resulting discussions tended to be anecdotal or argumentative at different stages of the conversation. In the anecdotal phases people related experience that they or someone they knew had which were similar to the one in the story or had something to do with the theme of the story. In the argumentative phases they engaged in verbal combat about specific issues in the case and occasionally about related general issues. Discussions or phases of discussions could thus be characterized as issue-oriented or anecdotal in orientation. Issue-oriented discussion seemed much more productive, or at least potentially so, from our point of view. It seemed that this "productivity" could be roughly measured in terms of the number of relevant and related issues and distinctions raised in an argument over a central problem posed by the "case."

Building on the analysis of the taped discussions and, to a limited extent, on the ANCAS categories we identified several dimensions of behavior in small group discussions which might be useful either for characterizing different kinds of discussions or for evaluating the performances of the discussants in terms of the general criterion of intellectual clarification. These dimensions were:

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[1] Newmann, F. Ethical Conflicts and Adolescent Views of Human Nature. 1966. (Mimeo)

(1) Verbal Facility: Clarity of Expressions; Fluency and Articulateness of Speech; Use of Legal and Social Science Terminology

(2) Responsiveness and Sensitivity

(3) Complexity: The number of issues raised in the discussion

(4) Continuity: Systematic pursuit of issues raised to the point of resolution or clarification and making explicit transitions when moving from issue to issue

(5) Relevance of discussion to main issues in case

(6) Intellectual Disagreement over issues raised in the discussion

(7) Combat: The amount of give-and-take in the discussion; argumentation; challenging or questioning of claims

(8) Specific-General Movement: Extent to which discussants move back and forth between the specific case and related general issues, construing specific problems in terms of more general value issues and testing out qualified value positions against specific situations

(9) Mutual Inquiry and Problem-Solving Behavior: The extent to which the discussants treat the issue as a many-sided problem to be analyzed and mutually clarified and resolved

(10) Justification and Proof Process: Extent to which positions are supported with appropriate "evidence" and logically sound arguments

(11) Balance: Equality of participation in the discussion

(12) Task Involvement: The extent to which the discussants seem to take the problem seriously

With the exception of 5, 9 and 10, none of these criteria relates directly to the content or substantive issues raised in the discussion. Nor do they address themselves directly to the intellectual quality of argument that goes on about those issues. Yet their relevance to the analysis and evaluation of discussion performance seems unquestionable.

One of the striking features of discussions which seem to get nowhere is sheer repetitiousness. Individuals simply reiterate their basic positions and reasons throughout the discussion, or they raise and discuss an issue and later return and discuss it again without adding any new arguments or evidence to the previous round. Sometimes it is necessary for a person to repeat a point in order to focus the discussion or to get the other person to respond to it. At other times it is obvious that such repetition serves no useful purpose in the discussion. The amount of time in a discussion given over to useless repetition should provide a negative index of the quality and productivity of that discussion. Perhaps, as with emotionality, some repetition is useful and bears little or no relationship to the overall productivity of the discussion. There is no question, however, that once repetition becomes excessive it detracts from the discussion. The problem remains, however, in determining when a repetition is "useless" and "excessive."

Some of the more complex dimensions mentioned above, e.g., Justification and Proof Process and Mutual Inquiry were broken down into discreet analytic operations, statements or groups of statements serving some "useful" function within the dialogue. We termed certain operations as "useful" because they served to support or challenge arguments made in the dialogue or helped clarify other statements, to resolve impasses in the dialogue and to discipline and direct the discussion. The specific operations identified are listed below:

Valued Discussion Operations

1. Using evidence to support or challenge a factual claim
2. Giving examples to illustrate a general concept or claim
3. Giving "reasons" to justify a judgment or recommendation
4. Pointing out the logical implications (positive or negative) of a policy recommendation, value judgment or definition.
5. Raising problems or issues suggested by a particular policy recommendation, value judgment or definition
6. Posing hypothetical conditions which would tend to challenge a general claim or policy
7. Stating specific limiting conditions to a generalization
8. Pointing out logical inconsistencies in an argument
9. Pointing out empirically inconsistent statements
10. Pointing out inconsistences between ideals and actions, means and ends, etc.
11. Pointing out or questioning the relevance of an issue or fact to the argument
12. Asking for the meaning of a word or phrase used in the discussion

13. Defining terms
14. Defining the difference between two classes of events, actions, people, etc.
15. Asserting that two events, actions, etc. are different in some specified way
16. Explicitly recognizing the lack of sufficient information or data to resolve a factual issue or "prove" an assertion
17. Citing a source or authority to support or challenge a claim
18. Questioning the reliability of a source or authority
19. Construing specific problems in terms of broader general issues
20. Identifying general ethical or legal values which may be invoked to support different positions in a controversy
21. Using an analogy (real or hypothetical concrete case) to support or challenge a general value judgment, policy recommendation or definition
22. Explicitly recognizing arguments, evidence, etc., which go against one's own position
23. Explicitly weighing the alternative arguments surrounding an issue
24. Modifying one's position in response to contrary evidence, examples,etc.
25. Conceding a point in the light of the evidence
26. Explicitly stating exceptions to one's general position on an issue
27. Rephrasing or elaborating on a statement to clarify it
28. Asking another person to clarify his position or a statement
29. Questioning a claim or position in a challenging manner
30. Explicitly stating the point at issue at a given point in the discussion
31. Raising relevant issues
32. Distinguishing between different kinds of issues (factual, definition, value)
33. Identifying points of agreement and disagreement in the discussion
34. Referring back to points made earlier in the discussion
35. Summarizing positions and progress of discussion
36. Paraphrasing arguments or positions of other person
37. Agenda--setting: discussing what issue should be discussed next
38. Questioning the relevance of one statement to another
39. Showing concern for getting off the subject or topic

Translating the Criteria into Measures: Rating Scales and Categories

The criteria discussed above have been of considerable value to the Project staff in its efforts to train students to discipline and improve the productivity of their discussions. They have been especially useful for construing discussion behavior and for diagnosing problems that arise in discussions. However, it is one thing to identify a problem at a particular point in a particular discussion and to find a strategy to resolve that problem. It is quite another thing to attempt to evaluate an entire discussion or sample of discussions in terms of these criteria.

The only alternative to counting frequencies of particular behaviors was to rate discussions or parts of discussions on several scale criteria which appeared to be related both theoretically and empirically to the productivity of the discussion. The methodological shortcomings of rating scales as measuring instruments are well known and need not be reiterated at this point.[1] Obviously one does not pool the judgments of six nurses to estimate temperatures of a group of patients when a clinical thermometer is available. However, more complicated medical diagnoses and prognoses are frequently based on the pooled judgments of specialists, often with no more inter-judge agreement than one ordinarily gets in ratings of teacher performance or student performance in discussions.

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1. See for example, Guilford Psychometric Methods
   New York - McGraw-Hill, 1954, Chapter 11

Rating vs: Counting

The case for rating judgments over systematic content analysis rests mainly on the need to discriminate on an ad hoc basis between valuable and trivial discussion behavior in the context of a particular dialogue, without making any a priori assumptions about the implicit "valued" function of a particular kind of statement or operation. The objectivity required for content analysis forces the evaluator to lump together trivial and important behavior in his categories even when he can discriminate between the two in context. Furthermore certain broader aspects of discussion, e.g., how well the different issues raised in a discussion are linked together within some broad framework, can be more meaningfully rated than counted. In evaluating the overall quality of an argument or discussion, the whole is something more than the sum of its parts.

Rating scales are commonly used in three different ways: (1) to rank order a group of individuals along a continuum according to some criterion; (2) to make qualitative judgments about an individual with or without reference to other individuals, e.g., grading a paper or essay; (3) to obtain a rough quantitative estimate of some observable behavior, e.g., the amount of repetition in a discussion. The main argument against the use of rating scales in the first two situations rests on unreliability due to rater bias. Different observers may evaluate or rank order individuals differently. In the case where one uses a scale to estimate the quantity of something, the obvious weakness of this kind of measure is its imprecision compared to more exact counting. However, the important question to ask is how much precision is needed for the purposes of the particular investigation? If you require fine discriminations, a more precise instrument is needed. If, on the other hand, a rough estimate will do--high, moderate, low--then a simple rating may be sufficiently accurate and far more efficient to use.

Two Instruments

We were faced with a choice between attempting to get precise measures on a few dimensions and taking rougher measures on all the dimensions we had identified. Since we could not determine in advance which dimensions would be most important, we settled on a compromise. We would tally and count important behavior wherever this was possible and feasible and rate those dimensions which either could not readily be broken down into quantifiable units, or where counting would require a separate analysis. Two complementary instruments were thus developed--the Discussion Analysis Categories (DAC) and the Discussion Rating Scales (DRS). The categories would provide frequency counts of those specific operations which we had attempted to teach students to employ in discussions. The scales would provide rough measures of some of the broader qualitative and quantitative dimensions of behavior in the dialogue.

A practical consideration provided the major criterion for deciding whether to rate or count a particular dimension. For example, "sensitivity" could either be rated on a low to high scale or individual insensitive responses could be tallied. To count insensitive responses while counting the occurrence of "valued operations" occurring in a discussion would require the scorer to classify each statement along two different dimensions--sensitivity and dynamic function in the argument. We would wind up with the sort of multiple-classification system which made ANCAS so cumbersome to use. Furthermore, sensitivity is a dimensional construct, not a category which may be counted as present or absent. It varies from statement to statement as well as from discussion to discussion. On this basis as well, rating seemed more appropriate than counting.

The Discussion Analysis Categories

No claim is made that the valued discussion operations listed above exhausts the possible operations that might be useful in a dialogue. However, it is far too long for scoring purposes. It was necessary, therefore, to reduce the number of categories by grouping operations which seemed to go together logically or in terms of some common language cues. As a result some categories represent single specific operations (e.g., Definition, Source) while others (e.g., Conditionals, Discussion Process) are composite categories. On the one hand we wanted to maintain as many distinctions as possible so we could identify specifically those operations which our trained students actually used. On the other hand, requiring scorers to make too many discriminations among categories which are conceptually related takes its toll in scoring reliability. The final set of categories was thus a compromise between a desire to retain as many distinctions as possible without sacrificing scoring reliability.

The Scoring Unit

In ANCAS the scoring unit was the sentence or complete thought. The scoring unit in the DAC system is the single complete interact of a speaker in a discussion, regardless of the length of that utterance. The interact ends when the speaker stops and waits for a response or when another speaker successfully breaks in to make his own statement. This unitizing convention helps the scorer keep track of the speakers in a two-man discussion and provides a rough index of the intensity of interaction, i.e., many short exchanges versus fewer long ones.

The Operation

An operation is a complete thought or statement defined in terms of its dynamic function in the discussion, but often identified by references to specific verbal cues or static statement forms. More than one operation may occur with a single act. If these operations are different they are scored under different categories. Except for some overlap between the "discussion process" categories and the "justification process" categories, single statements are rarely scored under more than one category. Specification, Source and Reference to

Case are the major exceptions to this rule. The sample discussion and score sheets in the Appendix illustrate the format used for scoring the discussions with the Discussion Analysis Categories.

The Categories

Throughout the development of the categories a distinction was maintained between operations used to support or challenge a position in an argument and operations used to focus and direct the discussion itself, to clarify particular statements and to analyze the progress of the discussion. The former we called "adversarial" at first and finally settled on the heading "justification process." The latter were originally labeled "analytic" but finally changed to "discussion process." Whatever the label, the distinction is sometimes difficult to maintain in practice. For example, the category "definition" could just as well be classified under justification process, since it is often difficult to tell whether a question is asked as a challenge or as a request for clarification.

Like the dynamic categories in ANCAS these categories are scored only when they occur in the discussion.

Justification Process Categories

1. Specification

Operations 1, 2 and 3 in "Valued Discussion Operations" entail the use of evidence, examples or general "reasons" to support general factual statements, or value judgments or policy recommendations, and were grouped together in this category as "supporting statements."

2. Reference to Case

This category was added to see if there was any relationship between the frequency with which individuals in a discussion used the information in the document or case given them for discussion and the quality of the discussion and the frequency of other valued categories. In previous experiments with ANCAS discussants were instructed to consider the "case" as part of their own knowledge and to use it as such. Any references to the documents were ignored by ANCAS. The category also might provide some indications of the extent to which the discussants confine their discussion to the immediate problems in the case as opposed to expanding the scope of the discussion to consider other related problems.

The Discussion Analysis Categories

Justification Process Categories

- Specification
- Reference to Case
- Conditionals
- Consistency/Inconsistency
- Substantive Relevance
- Distinction
- Source/Authority
- General Framework
- Analogy
- Weighing/Qualification
- Probing/Questioning

Discussion Process Categories

- Clarification
- Definition
- Need for Information
- Issue Stating
- Other Discussion Process--e.g., Summarizing, Agenda Setting, Paraphrasing

3. Conditionals

The "conditional" category was created to resolve a scoring reliability problem in what was originally a "premising/raising implications" category. The scorers found that these operations frequently occurred in statements which took the conditional "if... then..." form. It was decided to score all statements of this form except quotes from the case.

4. Consistency/Inconsistency

Under the ANCAS conventions most challenges to a person's position could be reasonably construed as "consistency" operations. Here, however, the category applies only to statements which explicitly point out an empirical or logical consistency or inconsistency between two statements, means vs. ends, ideals vs. actions, etc.

5. Substantive Relevance

"Relevance" was added to the ANCAS categories to pick up statements which challenged the relevance of one statement to another in the argument or to the topic or issue under discussion. The category "substantive relevance" is confined only to statements which question the relevance of particular evidence, substantive issues or arguments to the main question under discussion. Challenges to the relevance of one statement to another are scored elsewhere under "other discussion process."

6. Distinction

This category applies to assertions that two situations, events, actions, etc., are different in some way.

The process of providing rational justification for inconsistent application of a general policy recommendation, value judgment or definition entails distinguishing between concrete situations or examples where the same principle, value or policy is alleged to apply.

7. Source

This category is scored when an individual cites a source or authority to support or challenge a claim. It is also scored when an individual questions the fairness or reliability of a source or authority, including the case being discussed.

8. General Framework

Originally this category applied to two operations identifying general ethical or legal values which might be invoked to support different positions in a given controversy and construing specific problem situations in terms of broader general issues involving these values. These are important operations from the point of view of the Oliver-Shaver model for dealing with public controversy. In order to develop more complex, qualified justification for their positions on a particular issue, individuals in a discussion have to move from the specific problem situation to the broader class of problems of which this is a single instance. This category was an attempt to get at this movement. In applying this category to live discussion behavior, however, it turned out that most statements which seemed to apply could either be scored under another category, "Issue Stating", or could be identified by a statement type, "general value judgment". The category was thus restricted to general value judgments and general factual claims stated as universal imperatives or truths.

"General Value Judgment" as used here means a categorical statement in universal terms which indicates that a speaker thinks a class of actions, or policies is good or bad, right or wrong, justifiable or unjustifiable in terms of some general ethical-moral or legal principle.

e.g. "Everyone has the right to express his opinion about government policies."
"To be a politician you have to make compromises. You can't be an idealist."

Such claims reveal some of the speaker's general system of beliefs--his general frame of reference--for looking at the world, especially as it applies to the issues being discussed. Since people often use general value judgments and other general claims as "reasons" to support their positions on issues, general framework may be considered part of the "justification process."

9. Analogy

Although argument by analogy (called case in ANCAS) rarely occurs in adolescent discussions, the use of analogies to test the generality of values, policy recommendations and definitions is at the heart of the dialectic process outlined by Oliver and Shaver (1966) for the analysis of public controversy. It is through the process of successively modifying his position to accommodate the exceptions suggested by a series of concrete analogous situations that the student learns to develop a more complex rationale for his position on issues where values are in conflict.

10. Weighing/Qualifying

This category combines operations 23-26--conceding a point, explicitly modifying one's position, and weighing both sides of the argument. Concession is valued because it shows that the individual is recognizing the validity of another argument, piece of evidence, etc., related to a position other than his own. Qualifying is valued much for the same reason but goes one step beyond conceding. The individual not only recognizes the validity of another's claim, but accommodates his own position to it. Weighing is, perhaps, the most explicit kind of behavior indicating that an individual is considering evidence, arguments, etc., on both sides of an issue.

11. Probing/Questioning

This is basically a posture type category which keeps track of the number of challenging questions which occur in the dialogue. Virtually any question which could be construed as a challenge to another person's position or a request for clarification would be scored under this category.

Discussion Process Categories

1. Clarification

This category is aimed at picking up statements which show explicit concern for making the meaning or intent of a statement or position clear. This includes requests for clarification (e.g., "What do you mean?"; "I don't understand your point.") and explicit elaboration or rephrasing of statements prefaced by verbal cues like: "What I'm trying to say is..."; "That is..." "What I mean is..." The category also includes expressions of confusion about the topic or issue being discussed--"Just what issue are we trying to decide here...?"

2. Definition

Asking for the meaning of or defining a word or phrase used in the discussion is maintained as a separate category. It is restricted to criterial definitions, however, not definition by example. Defining could also be classified under justification process, but is included here because it is construed as a clarifying rather than a justifying operation.

3. Need for Information

An important step in attempting to resolve the factual disagreements that inevitably arise in discussions of controversial issues is to recognize when such disagreement cannot be settled by reference to the facts of the case because there are not enough facts or the facts are balanced on both sides. This category was included to pick up explicit recognition of this problem in a discussion.

4. Issue Stating

Explicitly stating the points at issue in a discussion is valued on two grounds. First it helps focus the discussion on the main points of conflict. Secondly it reveals the way individuals in the discussion construe the problem and allows them to deal with any differences in what they see as the relevant or important issue(s).

5. Other Discussion Process

This category takes in a variety of operations where an individual temporarily steps outside of the argument and tries to identify points of agreement and disagreement in the discussion, to summarize the progress of the discussion and to direct the course of the discussion by suggesting which issue(s) is most important to deal with next (agenda setting). Also included in this category are explicit statements which indicate that an individual is sensitive to the dialogue--paraphrasing of other positions, questioning the relevance of one statement to another and explicitly referring back to statements made earlier in the discussion. The category includes operations in "valued discussion operations".

The Dialogue Rating Scales

After experimenting with a large number of rating scales, we finally settled on ten scales and a global quality rating scale. The ten scales are listed below and described in more detail in the Appendix. The scales were meant to complement the categories in two ways. First, they would provide measures of some dimensions not covered at all in the categories. Hopefully, the scales and the categories taken together might provide a more sensitive measure of discussion quality than either instrument used alone. Secondly, we would be able to explore the relationships between the category frequencies and the broader dimensions of the dialogue rated on the scales.

The Dialogue Rating Scales

1. Verbal Facility: clarity, articulateness; use of complex syntax and vocabularly
2. Sensitivity: responsiveness to each others' statements
3. Emotionality: raising voices, interrupting, etc.
4. Disagreement: extent and intensity of intellectual disagreement over issues
5. Relevance: of discussion to main issues
6. Combat: amount of give-and-take in the discussion
7. Mutual Inquiry: problem solving and consensus seeking behavior
8. Repetition
9. Task Involvement
10. Balance in participation

Some Missing Dimensions

Unfortunately important discussion qualities were not measured with either of the two instruments. We were unable to agree on conventions for rating continuity, specific-general movement and a complexity measure along with the other scales in the early trials. To assess these three dimensions would require a separate analysis charting all the substantive issues raised in the course of the discussion. Such an analysis would be case specific. That is all the relevant substantive issues in the particular case used for the discussion would have to be identified and precoded for the analysis. A different set of categories would have to be devised for each case. An analysis of specific issues raised and discussed would provide data on the number and kind of issues raised, the relevance of particular issues, how long people stayed with a particular issue and how they moved from issue to issue. Such an analysis might be a powerful clinical tool for evaluating individual dialogues on particular topics or issues.

Conclusion

The Discussion Rating Scales and Discussion Analysis Categories built upon as well as departed from the work done with ANCAS. The principle of attempting to identify and count specific valued behaviors was retained as were some of the dynamic categories valued in ANCAS. However, ANCAS virtually ignored the discussion process dimension of discussion behavior (with the exception of the catch-all "analysis" category). Both the DRS and DAC attempt to get at behavior related to this important dimension, as well as to measure more directly those operations valued in the Oliver-Shaver model.

The process of developing and refining the category and scale criteria and attempting to sensitize students to them provided us with a broader, multi-dimensional framework for viewing unstructured small group discussion behavior. How well these scales and categories would discriminate between good and bad discussions in a large sample remained to be seen.

Data Collection

Administrative Problems

The free dialogue test served as the focal point of the evaluation. To a considerable extent the number of control classes used and the overall testing schedule were dictated by the requirements for taping these dialogues in the two schools with minimal disruption of the daily routine. We needed at least 20 pairs of students in each of the three control groups to match with the pair to be recorded in the project classes. With limited space, equipment and manpower we could record no more than six dialogues at a time within any given class period during the school day. In order to have a large enough pool from which these pairs could be selected (on the basis of their positions they took after having read the case to be discussed) it was necessary to involve a much larger number of classes in the evaluation than would have been necessary for the written tests alone. Accordingly, seven classes at Newton and ten at Brookline were selected. We decided to administer the whole battery of tests to all students in these classes to assure an adequate sample, given normal attenuation.

Background Information on the Students

In order to obtain data on the students which might be relevant to the evalution, the following information was collected before the testing began:

(1) IQ scores were obtained from school records

(2) Students filled out a questionaire including questions about the social studies courses they had taken, their college or occupational plans, education and occupation of parents, and outside news reading and discussion habits.

(3) Teachers rated the students on discussion participation and performance in class.

Administering the Tests

The five written tests and the free dialogue test were scheduled to be run over a two week period at each of the two schools. Since we lacked the resources to record the free dialogues at both schools at the same time, the testing was spread over three weeks immediately following Spring vacation in late April and early May, 1967. Eight class periods were required to administer the whole battery - two periods each for the free dialogue and Project Concept Application Tests and one each for the remaining four tests. The tests were given in the following order at each school:

(1) Problems of Democracy Test
(2) Reading the Scholarship Case and filling out the Case questionaire
(3) Open-ended American History Recall Test
(4) Recording the Scholarship Case Dialogues
(5) Project Concept Application Test (Part A)
(6) Project Concept Application Test (Part B)
(7) Open-ended Dialogue Analysis Tests
(8) Multiple-choice Dialogue Analysis Test

All testing was done during regularly scheduled social studies classes which met four times a week under the schools' rotating block schedules. It was not possible to administer them under anything approaching "standardized conditions." Each class did not always meet at the same time each day and not all classes in the same subject track met every day. At Newton, where our materials were in general use, the tests were administered to the control classes by their regular teachers. Our own staff gave the tests to our students and to the classes at Brookline. They also administered the open-ended Dialogue Analysis Test and the tape-recorded free dialogues. Whatever might have been gained by maintaining more uniform testing conditions had to be sacrificed in the interest of conducting the testing with minimal disruption to the routines of the two participating schools, especially at Brookline which had no direct stake in the study.

In addition to our own 46 students about 130 students at Newton and slightly over 200 at Brookline participated in the testing program. The actual number of students taking each test varied due to absences. Absenteeism posed a serious problem only at Brookline where most of the students in the school stayed out during the first two days of testing in observance of a religious holiday. Although we had anticipated some absenteeism on these days, this wholesale exodus took us by surprise. As a result many students at Brookline did not take the Problems of Democracy and American History Tests that week and we were fortunate to salvage enough students to make up our two control groups at that school.

Both Project and control students were told that the purpose of the testing program was an effort by the Harvard Project to find out what they had learned in social studies in high school and that the tests would not count toward their grades. A mild appeal to the spirit of competition was injected by informing the students that the two neighboring schools were being compared. While we did not describe the precise design of the experiment, no particular effort was made to disguise our purpose.

Procedures for the Free Dialogues

Copies of the Scholarship Case were passed out to all students present in their regular social studies classes. The students were instructed to read the case and fill out a questionnaire stating their positions on the two questions posed at the end of the case and giving reasons for their choice. The case and questionnaires were collected at the end of the class period. The students were told that some of them would be asked to discuss the case in small groups toward the end of the week. Using IQ scores taken from school records, teacher ratings of verbal skill and pariticipation and the students' responses on the case questionnaire, we paired about 200 students for the taped dialogues. In so far as it was possible to do so given the restriction of matching people on IQ and verbal skill, we paired people who took opposing positions on the case.

When the selected pairs reported for the dialogue session, each was seated by a tape recorder and given a few minutes to review the case and otherwise "warm up" for the discussion. The experimenter than told the pair that they were to talk about the issues in the case for about 20 minutes after which they would be asked to briefly summarize their discussion. They were told to explore as many issues in the case as time allowed and to try and resolve or reach agreement on those issues over which they disagreed. If they quickly came to agreement, they were to either look for other issues or consider positions other than their own on the issues. The experimenter then checked to make sure the recorder was working properly, set it on "record" and left the pair to carry on their conversation. The students were allowed to keep copies of the case before them and to refer to them during their discussions. If any pair appeared to have run out of conversation before the 20 minutes were up the experimenters were instructed to encourage further discussion by asking them if they had talked about all the issues and resolved them. Most pairs talked for at least the full time allotted. Only eight of the 97 dialogues recorded ran under 15 minutes.

6. RESULTS

Paper-and-Pencil Test Results

Predicted Outcomes

Under the conditions set up for the evaluation the test of the "effectiveness" of our curriculum would be whether or not our students performed better than the controls on the Concept Application and Dialogue Analysis tests and, of course, in the free discussion. We conceded from the outset that the Brookline Honors control group might do as well as our students on these tests and would probably do better than ours on the P.O.D. and American History tests. Even if our students did as well or better than the Brookline Honors group on the former, this would provide encouraging support for the hypothesis that average students could be trained to do what brighter students without special training are able to do.

Scoring

The multiple choice tests were hand-scored and every fourth test was rescored as a check against errors. Although satisfactory scoring systems were worked out for the open-ended dialogue analysis and American tests, so many responses to the short essay questions on the Concept Application Test were unscorable that we decided to drop these items altogether and count only the multiple-choice questions.

Test Reliabilities

Although "reliability" is said to be the minimum requirement for a test's validity, we were unable to obtain estimates of the stability of scores on our tests via the alternate form test-retest methods. However, internal consistency odd-even reliability coefficients were computed on the multiple choice tests. The obtained Pearsonian correlation coefficients, boosted by the Spearman-Brown formula were:

Concept Application Test: part A (N=89)	r = .80
Concept Application Test: part B (N=89)	r = .75
Dialogue Analysis Test (Structured) (N=87)	r = .71

The unadjusted correlation between the two parts of the Concept Application Test was .54. The lower correlation here is probably due to the greater difficulty of the first part of the test. The median score on part 1 was 19 (of a possible total of 32); The median of part 2 was 20 (of a possible total of 25).

Estimates of the internal consistency of the open-ended Dialogue Analysis Test were obtained by correlating the scores on each of the four parts with each other and with the total score. The coefficients are given in Table 2.

Table 2: Pearsonian Correlations Among parts of Open-Ended Dialogue Analysis Test

	A	B	C	D
Part A				
Part B	.51			
Part C	.51	.57		
Part D	.44	.41	.47	
Total	.79	.83	.80	.71

Scoring reliability of the open-ended tests

Since scoring the open-ended Dialogue Analysis and American History tests involved some degree of judgement on the part of the person doing the scoring, a sample of each test was scored independently by another person to obtain an estimate of inter-scorer agreement. In each case two people sampled the tests, worked out a preliminary scoring system, and then tried to score a sample of tests independently. The two then compared results and revised the scoring conventions accordingly.

The scoring system used for the American History test was fairly straightforward. One point was scored for each correct and relevant fact given, either in sentence or phrase form. A point was deducted for each patently incorrect fact given, although there were few of these. Irrelevant or overly general or repetitious statements were not scored. Labels or names listed without any additional identification were either scored a half point or not scored at all depending on the scorer's judgement. There were twelve topics on the test. Since many students, especially at Newton, left items blank, agreement only on the total score was checked by computing the correlation between two sets of total scores on 40 of the tests. The obtained coefficient was .94.

The open-ended Dialogue Analysis Test was more structured and therefore somewhat easier to score as the range of responses elicited was much narrower. Under the scoring system worked out for this test points were scored for three things (on each part): (1) for each relevant issue identified (2) for identifying one or more problems in the discussion (3) for offering a strategy for dealing with the problem(s) in the discussion. There were few scorable responses under the third category since most tended to repeat the response given under (2). Issues were listed in different ways and were scored accordingly. Issues stated as simple labels - e.g. "civil rights"- were given one point. Policy statements in the declarative form - e.g."Negroes should have the right to live where they wish" - were scored two points. An issue stated in terms of a question or value conflict - e.g. "Should the government enforce fair housing practices?" or "Civil rights vs. property rights" - was awarded three points. As a check on reliablity a sample was scored independently and the correlations between the two sets of scores were computed for each part and the total test. As the coefficients in Table 3 show, the correspondence between the two sets of scores was acceptably high.

Table 3: Correlations Between Scores of Two Judges on Open-Ended Dialogue Analysis Test (N=66)

Part	r
a	.85
b	.84
c	.91
d	.88
Total	.92

Correlations between the tests and IQ scores

Our design for testing our predictions concerning how our students as a group would perform in comparison to the three control groups was to estimate the probability that obtained mean differences were random by means of tests, after adjusting the means for IQ. However, when the tests were correlated with the IQ scores the obtained coefficients were so low that we questioned the need to make the adjustment. The correlations between the tests and IQ scores are given in Table 4.

Table 4: Correlations between Pencil-and-Paper Measures and IQ Scores

	1	2	3	4	5	6
1. Problem of Democracy Test						
2. Project Concept Application Test (A)	62					
3. Project Concept Application Test (B)	48	54				
4. Dialogue Analysis Test (Structured)	38	42	39			
5. Dialogue Analysis Test (Open-ended)	28	24	18	37		
6. U.S. History Recall Test (Open-ended)	58	49	36	33	17	
7. IQ	46	43	36	40	26	44

As a check, however, we ran a complete set of test scores through a covariance adjustment computer program described by Jones.[1] The differences between the adjusted and unadjusted means was negligible in most cases.

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[1] Jones, K. J. The Multivariate Statistical Analyzer. Harvard University, 1964, pp. 133-139.

The largest change was a drop of 1.4 for the Brookline Honors group on the P.O.D. test only. No other mean shifted more than ±.5. We, therefore decided to test the significance of the differences between the unadjusted means.

The rather low correlations between the tests and IQ scores may be attributed in part to unreliabilities in the test and IQ scores themselves. However, the fact that we deliberately tried to avoid tests or items which would seem to involve general reasoning skill rather than specific skills or knowledge also may have contributed to the rather low relationships. The coefficients would thus indicate that we were at least moderately successful in minimizing the influence of general verbal reasoning on the test results. On the other hand, the fact that the high IQ control group did so much better on some of the tests raises a problem of interpretation which will be discussed further on.

Group comparisons on the Tests

The means and standard deviations for the Project group and the three control groups are presented in table 5a. Probabilities that the differences between groups are due to chance are given in Table 5b.

TABLE 5A MEANS AND STANDARD DEVIATIONS FOR EXPERIMENTAL GROUP AND THREE CONTROL GROUPS ON PENCIL-AND-PAPER MEASURES

Tests		Groups			
		Project	Other Newt.	Brook Std.	Brook. Hon.
Problems of Democracy	Mean	36.7	35.7	35.0	43.1
Test	SD	9.2	9.5	10.0	9.6
	N	46	122	69	47
Project Concept	Mean	40.1	37.4	37.1	42.4
Application Test	SD	6.6	7.1	6.8	7.0
	N		119	82	63
Dialogue Analysis	Mean	21.4	18.6	18.2	21.4
Test (Structured)	SD	2.5	4.3	4.2	3.4
	N		121	89	76
Dialogue Analysis	Mean	48.6	34.8	35.3	37.9
Test (Open-ended)	SD	13.6	14.1	14.3	11.9
	N		112	87	73
U.S. History Recall	Mean	13.9	10.8	23.8	30.8
Test (Open-ended)	SD	6.9	8.0	11.1	14.0
	N		30	18	18

TABLE 5B SIGNIFICANCE OF DIFFERENCES BETWEEN EXPERIMENTAL AND CONTROL GROUP MEANS ON PAPER-AND-PENCIL MEASURES

Groups	Tests				
	P.O.D.	P.C.A.T.	D.A.T. (S)	D.A.T. (O)	U.S. Recall
Project vs. Newton	ns	$p<.05$	p .001	$p<.001$	ns
Project vs. Brook. Std.	ns	$p<.05$	p .001	$p<.001$	$p<.001$*
Project vs. Brook. Hon.	p .001*	ns	ns	$p<.001$	$p<.001$*
Other Newt. vs. Brook. Std.	ns	ns	ns	ns	$p<.001$
Brook Hon. vs Other Newton	$p<.001$	$p<.001$	$p<.001$	ns	$p<.001$
Brook Hon. vs. Brook Std.	$p<.001$	$p<.001$	$p<.001$	ns	ns

* Experimental Group Lower

With some exceptions the relative positions of the four groups on the tests supported our predictions. The Brookline Honors group ran away with the Problems of Democarcy test, even compared to Standard track students in the same P.O.D. classes with them. The Project group did as well as the other two controls on this test however, so they could not be said to be at a disadvantage compared with other students of comparable ability. The Brookline Honors groups also scored somewhat higher than our Project group on the multiple choice Project Concept Application Test, although the difference did not reach statistical significance. However, the Project group scored significantly higher than both the Brookline Standards and the Newton classes who had used the same course materials with their regular teachers. Since no effort had been made to control how these teachers used our materials, it is likely that our own staff teachers were somewhat more conscientious than they about teaching these concepts explicitly during the course.

The results on the two Dialogue Analysis Tests serve to point up the different results one gets testing the same sort of skills with different formats. On the multiple-choice test the means are only three points apart, the Brookline honors groups did as well as the Project group and both did significantly better than the other two groups. Apparently, bright, academically able students, given enough cues, can do without special training what our students were taught to do in the course. However, on the open-ended test, the means range over 14 points and the Project group scored over 10 points higher than the Brookline Honors group. Admittedly, our students had the advantage of previous experience with this sort of exercise. However, the fact that the high IQ Brookline group did no better than the average Brookline and Newton students on this test suggests that the advantages which normally accrue to those who enjoy superiority in general reasoning skills may be cancelled out by a testing format where these skills (e.g. discriminating the best answer from an array of four; or "bulling": an essay) cannot be brought into play. It also suggests that, in spite of the scoring difficulties, the more unstructured, cue-free test may provide a better measure of specific knowledge and skills uncontaminated by general reasoning and test taking skill.

The results on the open-ended American History Recall Test also tend to support this contention,although at the expense of our own students who scored significantly lower than both Brookline groups on this test. The scores on this test,however, reflect a basic difference between the 11th grade course in the two schools. At Newton, the traditional American history course had been replaced by more intensive treatment of selected topics in American history. At Brookline all students took a traditional, chronological course. Also some of the materials in the 11th grade history course were reinforced in the 12th grade Problems of Democracy course. At any rate, it was clear, both from the scores and from reading through some of the tests that even after the lapse of a year, the Brookline students as a group were able to recall more factual information about those topics than the Newton students. Whether this knowledge is important or not is a value judgement which will not be pursued here. It is clear however, that the open-ended format produced larger intergroup differences than we would have expected with a standardized multiple choice test.

Structured vs. unstructured tests: some pros and cons

Notwithstanding the subjectivity involved in pre-determining the only "right-answer" to a multiple choice item, prestructured tests do eliminate subjectivity from the scoring process. A less structured test -- whether primarily factual or interpretive -- gives the student more freedom to organize and justify his own "answer", but scoring these answers brings into play the subjective judgments of the scorer(s). However, if a reliable scoring system can be devised for a more open-ended instrument, it might provide a more discriminating measure of what a student knows well enough to recall without having the information in front of him.

A major disadvantage to the open-ended test is the time and effort required for the student to think up and write his own answers. This limits the number of concepts that can be tested in a given period of time and puts students who lack writing facility at a distinct disadvantage. Furthermore motivation plays a more prominent part in the results. It may be easier for a student to leave an item blank than to make the effort to construct an answer even if he knows a few things about the topic. On the other hand, the student has more opportunity to show what he knows, if he so desires. He also shows what he doesn't know when he makes factually incorrect statements. Finally, the low-structure, open-ended format provides some clues to indicate those who do not take the test seriously by writing humor or nonsense.

Performance of Project Students on Pencil-and-paper tests

Although we did not expect our students to perform well on the Problems of Democracy and American History Tests, we were somewhat disappointed in their performance on the Project Concept Application and structured Dialogue Analysis Tests, both of which were geared to test concepts emphasized in the curriculum. On the Concept Application Test 35% of our students scored below 60%, while only 20% scored over 80%. None of our students scored higher than 52 of the total of 57 points on this test, although 6 control students did. Similarly, on the Dialogue Analysis Test 40% of our students missed one third or more of the items while only 17% answered more than 80% of the items correctly. Furthermore since the topics like the American Revolution, Business, Labor, and the New Deal on the American History tests had been included in the Project curriculum, we would have expected our students to do better than they did on these. Whether these results reflect a failure in the Project curriculum teaching effort or simple lack of motivation on the part of our students to do well on the tests is an open question, the implications of which will be discussed further on.

Scoring the Dialogues

Six members of the Project staff scored the tapes, including two who were familiar with the curriculum but had not been involved in the development of the scales and categories. All the tapes were rated on the scales first and scored on the categories later. In this sense the scale ratings and category frequency counts can be said to have been made "independently" for each discussion. Two sets of scale ratings and category scores were obtained on most of the discussions to guard against individual rater bias and to provide a check on scoring reliability. Tapes which presented exceptional scoring or rating problems were evaluated by the whole group.

From a formal research point of view it would have been desirable to train scorers who were not associated with the Project and familiar with its aims and to obtain truly independent scale ratings from different judges. However, the instruments were still in the development stage. The scoring conventions still had to be tested against the realities of the discussion behavior in this sample and modified accordingly. The need to get the best possible assessment of the discussions given the unfinished nature of the measures outweighed the advantages of more controlled research. Only if these measures proved useful in the hands of people familiar with the framework from which they were derived would it make sense to attempt to train others in their use.

Rating the Scales: Rater Bias

Each of the dimensions on the rating scales except Participation and Involvement was rated on a five-point scale with 1 representing the low end and 5 representing the high. Although this procedure increases the likelihood of a halo effect bias, reversing the orientations of some scales invites confusion and erroneous rating.[1] In early rating trials an attempt was made to rate these dimensions on seven-point scales, but the resulting variability between raters was too great. Faced with the difficult task of establishing a common standard for rating each scale without knowing the actual range in the sample of discussions to be scored, the raters were hardpressed to make reliable discriminations even over five scale points. Anchoring the different points on each scale proved to be a difficult task in spite of the cues provided in the instructions.

At first the whole group of six raters listened to a tape together and made independent ratings. The ratings were then tallied and compared and discrepancies were discussed to determine the sources of disagreement. Discrepant ratings could be traced to three general sources. One was differential sensitivity among the raters to different aspects of behavior in the discussion which led to disagreements over the actual quantity of a given type of behavior in the discussion. Such disagreements could be reconciled by playing back portions of the tape. Another problem encountered was conceptual confusion within scales which required a rater to make complex discriminations among two or more related kinds of behavior. For example, the Continuity scale included both sticking with issues and making explicit transitions between issues; the Complexity scale required careful attention to the content to detect each subtle shift in the issue under discussion. As a result these two scales were dropped in the early scoring trials. The major source of disagreement was the tendency of raters to apply different standards or norms in their ratings on certain scales. This was especially true of scales which represented quantitative estimates of certain kinds of behavior in the discussion--e.g., Sensitivity, Disagreement and Repetition.

The problem of individual rater bias was to be expected in a situation where it was impossible to establish the norms for the sample ahead of time. The usual technique for dealing with this problem is to have several judges rate the same behavior and average their ratings in some way. Some of the techniques and problems involved in determining the reliability of such composite ratings are discussed by Ebel (1951) and Guilford (1954, ch. 14). Unfortunately we lacked the manpower to take advantage of multiple ratings. Furthermore, an early comparison of the distributions of ratings made by six people and those made by two showed that reliability was not enhanced by increasing the number of raters. The closest agreement we could hope for was within one scale point and the probability of perfect agreement diminished as the number of raters increased.

To establish common standards and counter the tendency of individuals to follow idiosyncratic criteria in their ratings we decided to rate in teams at first, rotating raters among the teams. Accordingly three teams were formed and ten discussions were rated, each by two teams. The two individuals in each team rated independently first and then compared, discussed and adjusted their ratings to arrive at a set of team ratings. We thus obtained four individual and two team ratings for the ten discussions in this sample. A comparison of the agreement within teams with agreement between teams indicated that we could safely shift to individual rating with two individuals independently rating each discussion.

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[1] Guilford, 1954, pp. 267-268.

The tapes were divided at random so that each rater rated some tapes in common with every other rater. Pairs of ratings were entered on summary sheets which were checked periodically. Satisfactory agreement was defined as agreement within one scale point with the understanding that the individual ratings would be averaged to determine the final ratings. If ratings on more than one scale in a given discussion failed to meet this criterion, the discussion would be rerated by a third person and the final ratings would be the average of the two closest sets. Eighteen discussions had to be rerated under this rule.

Inter-Rater Reliability

Under the conditions of scoring it was not possible to obtain adequate quantitative estimates of the inter-judge reliability of the scale ratings. The most commonly used estimator, the Pearsonian correlation coefficient seemed inappropriate on two grounds. The magnitude of a reliability coefficient is depressed when the variation in the variable measured is restricted (McNemar, 1962, p. 144). Most of the scale ratings fell within a three point range from 2 to 4. Secondly, the number of discussions scored by each pair of raters was too low to place any confidence in the correlation coefficients.

Analysis of variance may also be used to provide an estimate of inter-judge reliability. The intraclass correlation formula developed by Ebel (1951) and discussed by Guilford (1954, pp. 395-397) was used by Archibald (1965) who obtained several ratings on each document in his sample. However, since we had only two ratings on each dialogue, the appropriateness of the intraclass correlation technique seemed questionable.

An analysis of variance technique described in Johnson and Leone (1964, pp. 111-118) provided a test of the hypothesis that the raters were drawn from different populations. The rating arrangements we employed with each rater rating some dialogues with every other rater resulted in a "balance incomplete block" design where the ratio of residual error to rater error could be calculated to test for the significance of differences among raters. This would not provide a quantitative estimate of the closeness of agreement among the raters but if the F-ratio fell short of the level at which the null hypothesis could be rejected, the claim that the raters were drawn from a common population would be more tenable.

The test was applied to the Overall Quality Scale and the results are presented in Table 6. Since the F-ratio falls well below the .05 level, the hypothesis of no significant difference among the raters on this scale is strengthened.

Table 6: Analysis of Variance Among Raters on the Overall Quality Scale

Source	Sums of Squares	DF	Mean Square	F-Ratio
Discussions	56.37	--	--	
Raters	.98	5	.20	1.25
Residual	11.02	70	.16	
Total	68.37			

Scoring the Categories

Four of the raters continued for the second phase of the task--scoring the categories. The procedure followed essentially the same as that used for the scales--whole group sessions to establish scoring conventions, team scoring, and finally individual scoring. The transition from team to individual scoring was not as satisfactory as it had been with the scales, however. Different tapes posed different problems for the scorers. It was easier for a person scoring alone to miss scorable operations. Categorization errors could be reduced by scoring in teams where disagreements could be discussed and reconciled, but limited time and manpower necessitated a shift to individual scoring anyway.

In cases where gross discrepancies between category frequencies by two scorers occurred in two or more categories in a given dialogue, the dialogue was rescored by a third person and the average of three sets of scores was taken as the final set of scores for that dialogue. Thirteen dialogues had to be scored a third time.

Interscorer Reliability

Since the sample of discussions was fairly large and the frequencies of some of the categories were sufficiently high, it was possible to compute Pearsonian correlations for several rater pairs on some individual categories and combinations of categories. The obtained coefficients are given in Table 7. Although little confidence can be placed in the accuracy of coefficients where the N's are very low, they seem to be consistent with the range of other coefficients. It should also be noted here that some scoring conventions were revised after the team scoring trial (column 1). The difference is reflected in the Conditional category where the correlation jumps from .77 to the .90's.

Table 7: Pearsonian Correlations on Higher Frequency Categories

	(Early Trial)	Scoring Pairs					
Category	A + C vs. B + D N = 20	A vs. B N = 11	A vs. D N = 10	B vs. D N = 9	A vs. C N = 6	B vs. C N = 6	C vs. D N = 6
Specification	.43	.27	.43	.15	.82	.91	.56
Reference to Case	.92	.96	.90	.97	.97	.97	.89
Conditionals	.77	.92	.91	.96	.60	.54	.99
Distinction	.75	.80	.54	.72	.64	.47	.46
General Framework	.73	.59	.84	.79	.82	.50	.49
Weighing/ Qualification	.70	.62	.57	-.17	-.65	.85	.23
Probe/Question	.93	.97	.95	.97	.90	.90	.70
Disc Proc	.83	.94	.85	.53	.99	.84	.46
Clarification and Issue Stating	.75	.87	.59	.28	.48	.73	.19
Low Frequency Justification Proc.	.45	.60	.67	.88	.50	.88	.95
Total Justif Proc (except Specif and Ref Case)	.67	.91	.90	.89	.60	.69	.83
Total Disc Proc	.96	.98	.84	.87	.97	.64	.94
Total Operations Scored	.92	.99	.80	.88	.82	.84	.74
Total Acts Scored	.97	.99	.98	.95	.98	.98	.91

The results are mixed. Clearly inter-scorer reliabilities for Specification, and Weighing/Qualification are unsatisfactory. Reliabilities for Reference to Case, Conditionals, and Probe/Question are acceptably high. Although some of the coefficients for Distinction, General Framework and Discussion Process are unacceptably low, the remaining ones are high enough to warrant substantial confidence in the reliability with which these categories can be scored.

Since too many zero frequencies occurred in some categories to compute inter-scorer correlations for these categories individually, some of them were combined and the correlations between these combination scores were computed. The coefficients for Clarification and Issue Stating combined are generally unacceptably low, but this is probably due mostly to the loose conventions for scoring Clarification. Issue Stating is a much more explicit, objectively scorable operation. Inter-rater correlations for the other combination category scores tend to be higher than those for most of the individual categories. In general these coefficients seem to reflect the principle that increasing the number of items tends to increase the reliability of a test. However, beyond a certain point the more "reliable" the measure the less meaningful it is.

The table also gives reliability coefficients for total acts (units) scored in each discussion. The use of the complete interact as the scoring unit appears to have resulted in high unitization reliability.

Conclusion:

Scoring over 90 dialogues with nine scales and sixteen categories was an arduous task which severely taxed the patience and mental energies of Project staff members over a period of two to three months. The pressure to reach agreement on uniform scoring conventions took its toll on the scales, the categories and the scorers. Attempts to measure Continuity and Complexity were abandoned due to reliability problems in the early rating trials. Theoretically important operations like "premising" and "raising implications" were lumped together with all statements of the "if...then" form under the Conditional category. Other significant operations which occurred rarely were lumped together into composite categories--e.g., Other Discussion Process or Weighing/Qualifying. As for the scorers themselves, it would not be an exaggeration to say that none of them would be willing to do the job again.

Given the demands of the task and the unfinished nature of the instruments the results were probably as satisfactory as one could have hoped for. Taking the average of two or more ratings of category scores for each dialogue would compensate for individual error.

Undoubtedly the Discussion Analysis Categories picked up more of the important behavior valued in the Oliver-Shaver model than ANCAS did. However, the problem of lumping important and ordinary behavior together in the same categories was not solved. While the scorers had little difficulty making reliable discriminations between really significant operations and trivial ones, efforts at discriminating within the mass of behavior that was neither trivial nor outstandingly good were abandoned due to excessive reliability problems.

The reliability versus validity dilemma thus remains unresolved. The categories cannot claim to have any scientific validity as measures of discussion quality if they cannot be scored with acceptable reliability. On the other hand, the construct validity of the categories rests on the assumption that the behavior scored under them serves an important function in an ongoing dialogue. To the extent that the scoring conventions which are necessary for reliable categorizations of behavior blur the distinction between important and trivial behavior, the assumption on which the validity of the categories rests becomes less tenable.

Group Comparisons on Discussion Performance: The Scales

We predicted that the Project group would perform better than the two similar control groups in the free dialogue and that they would do at least as well as the Brookline Honors group. Four of the Discussion Rating Scales - Sensitivity, Relevance, Mutual Inquiry, and Overall Quality - were taken as direct measures of "good" discussion performance. The other scales were viewed as descriptive, rather than evaluative.

The probability that the difference in group means on the scales were due to chance variation was tested by simple one-way analysis of variance and tests were used to test differences between the Project dialogues and those of the other three groups. Table 8 gives the results of the analysis of variance. Tables 9A and 9B show the group means, standard deviations and test probabilities.

Table 8: Analysis of Variance for Experimental and Control Groups on the Discussion Rating Scales

Scale	Mean Square Between	Mean Square Within	Degrees of Freedom	F Ratio	P
Verbal Facility	4.367	0.371	3/82	11.770	.001
Sensitivity	1.583	0.305	3/82	5.192	.002
Emotionality	3.131	0.821	3/79	3.813	.013
Relevance	0.668	0.446	3/82	1.497	.221
Disagreement	1.964	1.006	3/82	1.952	.128
Combat Posture	0.931	1.127	3/82	0.826	.483
Mutual Inquiry	1.411	0.375	3/82	3.759	.014
Repetition	0.606	0.373	3/82	1.622	.191
Overall Quality	2.937	0.415	3/82	7.084	.001

Table 9A: Group Means and Standard Deviations on the Discussion Rating Scales (N = pairs of students)

Scale	Project N = 20	Newton N = 26	Brook Std. N = 19	Brook Hon. N = 22
Verbal Facility				
Mean	3.08	3.12	3.08	4.00
SD	.59	.61	.61	.63
Sensitivity				
Mean	3.70	3.50	3.08	3.67
SD	.62	.45	.53	.62
Emotionality				
Mean	2.15	2.54	2.92	3.03
SD	1.00	.92	.88	.80
Relevance				
Mean	3.76	3.62	4.03	3.88
SD	.66	.64	.39	.88
Disagreement				
Mean	2.75	2.85	3.42	3.19
SD	.94	1.08	.99	.98
Combat Posture				
Mean	2.88	3.02	3.21	3.36
SD	1.02	1.14	1.12	.92
Mutual Inquiry				
Mean	2.20	2.14	1.61	2.00
SD	.64	.69	.46	.61
Repetition				
Mean	2.25	2.35	2.26	2.45
SD	.55	.61	.63	.65
Overall Quality				
Mean	2.53	2.12	2.29	2.95
SD	.70	.54	.63	.72

Table 9B: Probabilities that Differences Between Groups on Scales Are Chance

Scale	Project vs. Newton	Project vs. Brook/Std.	Project vs. Brook/Hon.
Verbal Facility	1.00	1.00	.001
Sensitivity	.21	.002	1.00
Emotionality	.18	.02	.004
Relevance	.41	.16	.67
Disagreement	1.00	.04	.15
Combat Posture	.66	.34	.12
Mutual Inquiry	1.00	.002	.31
Repetition	.58	.04	.29
Overall Quality	.03	.28	.06

The results do not provide strong confirmation for our expectations. The Project dialogues were rated significantly higher than the Brookline Standards only on the Sensitivity and Mutual Inquiry scales and higher only than the Newton group on the Overall Quality Scale. They were rated lower than the Brookline Honors group and this difference barely missed significance at the .05 level (see table 9B). Of the five highest quality-rated dialogues in the whole sample, only one was from the Project; the other four were from the high IQ verbal Brookline group.

However, if one disregards the tests of significance for a moment, the general picture is more favorable to the Project group. The Project dialogues are rated higher than those of both average control groups on Sensitivity, Mutual Inquiry and Quality, though not on Relevance. The Project dialogues also appear to be characterized by lower Emotionality, Disagreement, Combat Posture and Repetition than those of the three control groups. This relatively low level of affect and disagreement may reflect a more reasoned, dispassionate approach to the discussion of controversial issues; or it may reflect general apathy toward the case and/or the task.

Group Comparisons on Discussion Performance: The Categories

Six categories, taken individually and in combination, were selected on the basis of their theoretical importance and their relationships with the quality ratings as measures of "good" discussion performance along with the scales. These categories represented operations which our students had been taught to use in their discussions of controversial issues. The frequency of their occurrence in these dialogues would provide some measure of the success of this training.

Unfortunately the large percentage of zero frequencies on some of the most important categories - e.g. analogy, definition - made it impossible to treat these categories separately using parametric statistics.[1] Alternatively non-parametric techniques, like chi square, tend to be insensitive to small differences. We therefore decided to test group differences only on the higher frequency categories and on combinations of categories which showed the highest correlations with the overall quality scale. The correlations between the individual categories and the quality ratings are shown in Table 10.

The categories which correlate significantly with the quality ratings are : Issue Stating (.49), Distinctions (.43), Other Discussion Process (.39), Clarification (.29), Substantive Relevance (.25), Analogy (.24), Weighing/Qualifying (.24), and Definition (.23). Of these, only Distinctions, Other Discussion Process and Weighing/Qualifying had high enough frequencies to treat them separately.

The remaining categories (together with some of the higher frequency categories) were combined in the following ways to construct indices of valued discussion behavior which could be treated meaningfully using parametric statistics. Three Justification Process categories - Relevance, Distinctions and Analogy - were combined to form a Most Valued Justification Process score. Definition, Clarification, Issue Stating and Discussion Process were grouped to make up a Total Discussion Process Score. Finally, both combinations were themselves combined to arrive at a single Most Valued Category Score.

The probabilities that differences in the mean scores for each of the four groups on the individual higher frequency categories and combinations were due to random variation were tested by one way analysis of variance and t tests between the Project group and the three control groups. The results of the analyses of variance are shown in Table 11. The group means, standard deviations and t test probabilities are given in Tables 12A and 12B.

In general, the ordering of the group means for the selected category scores seems consistent with those for the scales. Project dialogues score

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[1] See Appendix for distributions of category frequencies.

Table 10: Discussion Analysis Category Correlations

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	specif																		
2	ref to case	31																	
3	condit	26	23																
4	consist	1	21	14															
5	sub rel	-16	-2	-3	21														
6	definit	1	8	12	19	26													
7	distinct	28	15	32	29	17	31												
8	need info	-8	-8	3	-4	-10	-16	15											
9	source	9	12	12	10	5	-8	24	24										
10	gen frame	21	-18	20	8	2	27	25	-11	4									
11	analogy	6	6	20	32	32	41	38	-14	16	19								
12	weigh/qualif	36	14	33	23	4	27	34	-11	19	30	15							
13	clarif	18	31	23	34	10	59	31	-4	4	13	16	30						
14	prob/quest	33	39	24	14	9	41	28	-19	13	2	36	16	48					
15	issue stat	-14	-9	-10	7	32	17	22	21	12	23	16	8	6	-13				
16	oth discus	5	17	15	29	18	36	31	5	5	14	26	18	33	29	46			
17	Quality Rate	6	8	20	14	25	23	43	15	19	20	24	24	29	2	49	39		
18	IQ	20	7	16	-6	-4	9	33	18	21	25	7	11	5	-1	25	6	38	
19	Total Acts	41	46	45	27	16	44	36	-14	6	13	41	21	49	80	-6	34	11	8

Decimal points omitted.

Significance: If $r \geq .22$ $p < .05$; if $r \geq .28$ $p < .01$.

Table 11: Analyses of Variance for Experimental and Control Groups on Selected Category Scores

Category	Mean Square Between	Mean Square Within	DF	F-Ratio	P
Distinction	21.204	5.494	3/82	3.859	.012
Weighing/Qualif.	3.782	2.871	"	0.997	.408
Discussion Process	18.895	14.034	"	1.346	.265
Most Valued Justif. Process	30.222	11.237	"	2.689	.052
Total Disc. Process	73.102	35.070	"	2.084	.109
Most Valued Categories	196.338	62.640	"	3.134	.030

Table 12a: Means and Standard Deviations for Experimental and Control Groups on Selected Valued Discussion Categories

Category		Project	Newton	Brook/Std	Brook/Hon
Distinction	Mean	3.90	3.85	3.68	5.81
	SD	2.05	2.28	2.24	2.75
Weigh/Qualif.	Mean	4.75	5.65	5.58	5.57
	SD	1.52	2.00	1.87	2.36
Disc. Process	Mean	6.20	4.54	5.00	6.43
	SD	3.82	4.09	3.65	3.28
Most Valued Justif. Process	Mean	6.10	5.77	5.31	8.05
	SD	3.61	1.85	1.87	4.02
Total Discussion Process	Mean	10.00	9.04	8.95	12.91
	SD	5.29	7.12	5.10	5.51
Most Valued Categories	Mean	16.10	14.81	14.26	20.95
	SD	7.35	8.73	6.43	8.55

Table 12b: Probabilities that Differences Between Experimental and Control Groups on Valued Category Scores are Chance

Category	Project vs. Newton	Project vs. Brook/Std	Project vs. Brook/Hon
Distinction	1.00	1.00	.02*
Weighing/Qualif.	.10	.14	.20
Discussion Process	.17	.32	1.00
Most Valued Justif. Process	1.00	.46	.11
Total Discussion Process	.62	.53	.09
Most Valued Category Score	.60	.41	.06

consistently higher than those of the Newton and Brookline Standard groups (except on Weighing), and lower than the Brookline Honors group. Although some of the best Project dialogues were marked by sensitivity and disciplined argument or exploration of issues, the bulk of the dialogues were undistinguished either in terms of discussion skill or intellectual substance.

Parts of the results may be attributable to low aptitude on the part of a fair number of students in the Project classes. We could have predicted the levels of performance of several pairs just on the basis of past performance in class. On the other hand, we would have predicted much better performance on the part of some students who had developed considerable proficiency in class. The question is, why did they not do better even according to the judgments of those who were involved in teaching them?

The Problem of Motivation

We suspect that much of the answer lies with the influence of an experimental (Hawthorne) effect in reverse. That is, the free dialogue task was, for most of the control students, a novel and out of the ordinary experience. Their enthusiasm and interest was manifested both by the affect in their discussions and by their favorable comments afterwards. For our students, the "experiment" was not only familiar, but it had become part of their routine. Their casual interest in the task was evidenced (with some exceptions) both by their listless discussions and comments during and afterwards. Even the two students who had one of our best-rated discussions showed no enthusiasm and were anxious to get it over with.

We suspect that motivation influenced, and, to a certain extent, confounded the results of the testing program. Since the participating students were approaching the end of their Senior year in High and most were no longer concerned about getting good grades, or passing, none of the usual external rewards or punishments should have been operating to stimulate conscientious effort by the students at this time. Being aware of this, we were relying on whatever intrinsic interest might be generated by the novelty of the tests and hoping that lack of motivation would be a general rather than a selective factor.

This hope was probably not well-founded. In talking informally with different students during the course of the testing, our staff found that many students, especially our own, expressed boredom and lack of incentive to do well on the tests. Some students wrote humorous and mildly hostile comments on the open-ended tests. For example, one listed "tests like this" among the "Causes of the American Revolution." On the other hand, many students, especially at Brookline, worked at the tests much more diligently and conscientiously than one would expect of a 12th grade student in May. One girl wrote an apology for what she considered a poor job on the American History test. A boy in another class ran up to one of our staff members as soon as he finished one of the multiple choice tests and asked if he could find out his score on the spot.

The sharp differences in interest and motivation evidenced above provide the most plausible explanation for the superior performances of students at Brookline despite the low relationship we found between IQ and test results. We also think it helps explain our own students' mediocre performances.

Perhaps "motivation" is not quite the right word to describe the factor we suspect was operating to influence the results. "Training" or "conditioning" would be more accurate. Our hypothesis is that many students, by virtue of long classroom experience and training, and perhaps with additional push from home, were conditioned to take tests seriously, even though they were told that they wouldn't count toward their grades. Even those students who said that they would have "tried harder" if they thought the tests were going to count, confirmed this hunch. Since no externally imposed rewards or punishments were attached to performance on these tests, we can only suppose that students who performed conscientiously had internalized what might be called a "test-centered" view of academic performance. Performing well on a test, any test, would thus reasure them about their own academic competence. Doing poorly would threaten their sense of personal competence in this area.

The converse of this hypothesis is that students can also be trained or conditioned not to take tests very seriously or view them as the focus of self-evaluation. Our own students fit this model quite well. Tests, especially tests on factual content, were never emphasized and rarely given except to provide a basis for assigning grades. Even grades were not used as a sanction with our students. Nobody failed. The focus was always on the case at hand and on the dialogue, never on "what's going to be on the test." With this kind of experience and "training" it is not surprising that our students did not take the final tests very seriously and did not approach them with anxiety and concern.

Of course an alternative explanation is that our students did not learn, and we failed to teach what we set out to teach. To a certain extent this is probably true as well. Systematic training in discussion process began rather late and little effort was made by our staff teachers to reinforce (e.g., review) important concepts covered earlier in the course. However, our experience with these students in the classroom suggested that at least some of them knew more and could do better than they did on these tests.

All we can say for sure is that a student does not perform well on a given test. We can only infer from this performance that he didn't learn what we wanted him to learn. The closer the correspondence between the terminal behavior required in the test and the "behavioral objective" of the curriculum, the greater is our confidence in this influence, provided that the student is conscientious in his performance of the test tasks.

The importance of this assumption raises serious problems for evaluating student "learning" when the conditions under which this "learning" takes place are informal, relatively unstructured and not test-centered. Unless methods are devised for evaluating students' "progress" or "proficiency" under these conditions, advocates of test-centered curricula will continue to club the heads of those who advocate child-centered learning with the question - "But how do you know they are learning anything?" The answer, we think, lies in the direction of maintaining ongoing assessments of individual progress rather than periodic tests of comparative performance on some standardized task - clinical diagnosis and prescription rather than summary periodic evaluation.

A Brief Critique of the Testing Program

As such the results are rather inconclusive and our major hypothesis is neither confirmed nor seriously challenged. In spite of the test results the question of whether it is possible to teach average high school students to carry on intelligent discussions of social issues using a set of abstract analytic concepts remains essentially an open one, subject to further experimentation and "testing".

In the final analysis the testing program was more useful for what it taught us about the problems of evaluating the results of an "unconventional" curriculum effort, than for what it told us about what our students had"learned." For one thing there was too much testing in a concentrated period of time. By the second day of the second week some classes were on the verge of rebellion. That they did not rebel is a credit to their self-control (or fear of their teachers' disapproval), if not to their independence of spirit. For so many students to accept and even cheerfully cooperate with such manipulation is a rather sad commentary of the effectiveness of the schools in fostering critical thinking and independence of judgment among their students. Unfortunately as long as cautious educators continue to demand this sort of one-shot summary testing for the "hard evidence" on which to evaluate new curricular efforts, this sort of practice is likely to continue and impede real experimentation.

Finally, we strongly suspect that the most important effects of the curriculum experience on our students were not tapped at all by the testing program. Student interest in social problems, their attitudes toward the value of discussion and their own sense of confidence in their ability to hold their own in a discussion are just some variables that the curriculum experience should have made some impact on, but which were not measured. A few students testified in informal interviews that they had changed along these lines, but we have no systematic data to support these testimonials.

In their responses on the Scholarship Case Questionaire only 36% of our students chose the conservative candidate, as opposed to 52% for the other Newton students and 33% and 22% for the two Brookline groups. The fact that our students' responses more closely paralleled those of the more liberal Brookline students rather than those of their more closely matched classmates at Newton suggests that the curriculum experience for the two classes taught by our Project staff may have had a liberalizing effect on their political attitudes. Unfortunately, the absence of any pre-experimental baseline measures made it impossible to determine if this represents a real change or if the differences existed at the beginning.

When further experimentation with teaching public issues and discussion process is pursued in the schools, it would be a mistake not to attempt to assess these and similar effects along with learning of the cognitive skills specified by the analysis of public controversy curriculum.

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PART III: DISCUSSION CONCEPTS FOR APPROACHING CURRICULUM FROM A PUBLIC ISSUES VIEWPOINT

by

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and

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7. INTRODUCTION TO DISCUSSION PROCESS CONCEPTS

Does Talking Ever Get You Anywhere?

Joe French lived with his wife and two children in the first-floor 5-room flat of a two-family house in suburban Glendale, fifteen minutes by bus from the outskirts of a large city. On the second floor lived the landlord, Clarence Summerton and his wife. Clarence had run a small independent grocery for several years, but now in his early 60's was about to retire. Joe, after living in the Summerton's house for three years had just finished his studies at a nearby medical school and was about to move to a new area for his internship. Just this year he had become friendly with Larry Burson, a first-year medical student who wished to move out of the city. Joe suggested that Larry might be able to get his apartment. Accordingly when Larry and his wife came to visit, Joe introduced the couple to Mr. Summerton. After the Bursons left, Joe offered Clarence a second cup of coffee and the conversation began.

Discussion #1

Clarence and Joe - original

C I don't have anything against them personally, Joe, but the folks in the neighborhood wouldn't stand for it.

J You mean just because the Bursons are black you'd refuse them a place to live? You have no right to discriminate against a person just because of his race.

C I'm not discriminating against anyone. Just exercising my right to lease my property to tenants of my choice, to protect property values in this neighborhood, and possibly even protect the health and welfare of people here and the Negro family. If they moved in there could be real trouble - violence.

J How can Negroes ever get an equal chance in this country if people like you keep refusing them housing?

C By and large they do have an equal chance. It's just a few troublemakers. Other groups - Italians, Jews, the Irish they've all made it without these riots, hate and violence. Negroes have plenty of rights - education, voting, welfare, etc., but they don't have the right just to move in wherever they want, burn down our cities, or threaten our general welfare.

J They're only asking for basic human rights. That's what the American Revolution was all about - violence in the cause of self-government and equality. Studies show that the white man discriminates against Negroes - in education, business, labor, housing, etc.

C Well what kind of a sacrifice am I supposed to make just to help them? Suppose my friends turn against me, move out of the neighborhood, and it becomes all black. What will I have left? I don't see where I have any duty to help the black man. What has he ever done for me?

J I help lots of patients at the hospital even though they've never done anything for me.

C Well, that's different. Anyway I can't help the fact that my neighbors are so prejudiced - they can't either. It's the way they were brought up.

J Clarence, although I'd hate to do it, if you deny housing to this couple, I may report you to the local equal opportunities commission.

C Don't get me wrong, Joe. It's not because of skin color. The main reason is the size of the family. They said they had three kids, and you did notice that Mrs. Burson was pregnant with a fourth. I don't think we could stand the noise. Mrs. Summerton and I are getting on in years you know. Well thanks for the coffee. Got to go.

What purpose did this discussion serve or what did it accomplish? Various interpretations and reactions might be given: It accomplished nothing, because neither person changed his mind. A waste of time, because they weren't listening to each other. They didn't even improve the reasoning behind their own positions as they went along. It was useful, because it allowed each to learn of the other's opinions. Although no one was persuaded, at least a number of different kinds of reasons or arguments were made. It might have been a beginning for more careful thought by each person - it's good that they took the matter seriously.

In addition to Joe's conversation with Clarence, let us consider different settings involving discussion of public issues and ask more generally, what tends to be accomplished through talk or dialogue. Imagine: A) A class listening to the lecture of a teacher on the issue of race relations; B) An informal cocktail party where guests make small talk about the need for racial harmony· C) A smoke-filled committee room in which two politicians try to convince their colleagues to vote for an open-housing bill; D) A seminar or coffeehouse roundtable in which each participant tries to develop a justifiable position on an open-housing law currently before the city council. Without intending to suggest that each of these represents distinct, mutually exclusive types, we notice differences in the apparent objectives of such conversations. That is, what a person expects to "get out of a discussion" may vary as follows.

A. Transmitting Information or "Truth". The class listening to a lecture (and/or the teacher delivering it) may be primarily concerned with the transfer of information from one source to another. This is really not a discussion, but one-way communication of messages. Messages might contain social science theory, data, historical interpretation or religious sermons. Tellers and listeners are found not only in the formal school setting, but at social affairs, football games, TV interviews, in the doctor's office or in legislative halls. Generally the transmitter is considered (or considers himself) to be an authority qualified to deliver information to a less knowledgeable audience.

B. Social Opining. Discussion of public issues may also provide opportunities to unload one's feelings or get something off one's chest. In the backyard, on the bus, in the clubhouse, or at a leisurely social affair, the conversation can be light and friendly or profound and serious with mutual tolerance that allows each person to express strong opinions. However, the tension of ideological disagreement is deliberately avoided. People look for sympathetic listeners and an audience receptive to opinion giving, rather than rigorous intellectual probing or adversarial tactics. The implied purpose is more personal catharsis than the communication of information or the resolution of conflict between parties.

C. Adversarial Combat and Persuasion. Some people develop a position before they begin conversation on the subject. They then see the conversation as a device to persuade others to adopt the previously decided view. Courtroom discourse between legal adversaries, academic debates in which opponents try to score points, arguments in business or politics or between friends when each is trying to "win" are combative conversations where the primary objective is to persuade. Discussants concerned mainly to win are likely to stress only those points favorable to their position and to use a number of argumentative strategies (e.g. ad hominem attacks, loaded language, humor , sarcasm, etc.) irrelevant to the substance of the issue at hand. This is not to condemn all adversarial dialogue, for certainly the attempt to persuade someone of the merits of a position is valid and desirable. However, when discussions become so combative that discussants are unwilling to modify their views in response to valid argument, irrational, irrelevant, and repetitive strategies may dominate the conversation.

D. Problem Solving and Clarification. Instead of bringing preconceived solutions to discussion, participants may look upon discussion as a means of figuring out or developing beliefs and justifications of them. It is assumed that mutual exploration with others will contribute to the sophistication of one's own position, and that even though at the end of discussion no definitive solution has been reached, the effort will have been productive if it brings increased complexity in the justification of opposing positions. Such discussions reveal honest inquiry without regard to personality conflicts, the need to win, or to preserve status as an authority. In contrast to social opining, clarification discussions do present direct challenges and pursue issues in depth.

The example of Joe and Clarence above does not fit exclusively into any one of the above categories; it contains varying degrees of several. This is the case with most discussions on public issues. Still, in many discussions it is possible to describe a prevailing tone in terms of one of these categories. Transmitting information, social opining and persuasion serve important functions in daily life, and we do not wish to minimize their utility. There is, however, a considerable public need for more conversation oriented toward clarification, and it is this type of conversation that this study seeks to encourage. Clarification may well arise as a result of discussion that begins in a relaxed atmosphere of social opinion, evolves into high-pitched combat, and employs at certain points truth-giving techniques. But these other discussion postures are likely to be productive only if the central goal is constantly kept in mind by each participant: the development of a position on a public issue that is clearer and more complex (in the sense of including distinctions, qualification, stipulations, concessions, etc.) than when the discussion began. Given this objective, the conversation between Joe and Clarence "got nowhere".

A widespread popular pessimism warns us not to expect much from discussions of people like Joe and Clarence. Here are four frequently expressed reasons for the lack of faith in the productivity of discussion on public issues:

A."People are afraid to change their minds."

B."It's just a matter of opinion, so what's the use of talking?"

C."The average person doesn't have enough facts to discuss complicated public issues intelligently, and if he did have access to enough facts, there would be little to discuss."

D."Even if discussion helps you arrive at a better position, what's the point when the average person doesn't have the power to affect public policy anyway."

While there is some truth in each of these charges, they do not justify dismissing discussion as an important vehicle for testing and validating positions on public issues. Each of these points can be challenged.

a.Changing one's mind when confronted with a more reasonable position is not necessarily a mark of inferiority. On the contrary, one should be more respected for being sensitive to new evidence or valid arguments. Stubborn adherence to a position just for the sake of winning or saving face is irrational. We can and should reward people for conceding and qualifying their positions, instead of ridiculing them for "losing" or "giving in."

b.People often believe that matters of "opinion" on such topics as religion or politics, have no "right" answers and cannot be resolved through rational discussion. This assumption, strengthened by contact with people of strong opinion, leads to the tolerant notion that each is entitled to his opinion, with the implication that all opinions are equally valid.

We disagree. "Opinion" issues can be clarified and, at times, resolved through rational discourse. There are objective standards for judging the rationality and validity of positions which reveal that some opinions are better than others.

Briefly, a position or opinion that is supported by reliable evidence, that is consistent, that takes into account a range of analogous situations, and that offers useful definitions of vague terms is more valid than a position that is unsupported by evidence, inconsistent, insensitive to analogies, and uses ambiguous language.

c.The assumption that most issues can be settled by acquiring factual information (as opposed to discussion) is unacceptable. First, discussion is an important vehicle for communicating "factual" information and for deciding at what points more information is needed. Second, we would argue that it is humanly impossible for the student as well as for the citizen, to gather all relevant information before making most decisions. We are inevitably forced to decide before we can muster enough information. Discussion can make our "uninformed" decisions more rational. Finally, even assuming that it would be possible to settle factual issues through the accumulation of evidence, there still remain ultimate questions of value and meaning. Such questions cannot be resolved simply by gathering information. What we consider to be valid evidence is itself largely determined by our positions on nonfactual issues.

d. There are undoubtedly a number of senses in which the layman seems powerless to determine his destiny (e.g. see Newmann, 1964), and we would agree that discussion unrelated to consequences in the world of action can become a sterile academic exercise. But to say that the average person lacks the power to fundamentally change his society or the world is not to say that he lacks the power to make personal choices relevant to larger controversies, choices that do have public consequences. To support or oppose a public candidate, to comply with or resist the draft, to become involved in reform or reaction in the ghetto or university, to engage in social discrimination, to agree or disagree with one's neighbor on the value of U.S. participation in foreign conflicts -- such choices vary in the extent to which they bring about significant social impact. But they do have considerable personal impact, and they do arouse public concern and debate. These are sufficient grounds for trying to arrive at such choices through a process of reasoned deliberation. Even the decision to withdraw and to remain apathetic on public issues involves questions of social responsibility and the nature of the social-political system that, if seriously discussed, might help clarify the justification for that choice.

Successful clarification discussions combine the tension of serious intellectual challenge with cooperative inquiry. One must be willing to examine the most unquestioned assumptions and to modify one's position in response to persuasive arguments. One must have the courage to engage in constructive combat rather than accepting the more relaxed posture of tranquil interpersonal chat. One must have the restraint (or magnanimity) to avoid a more hostile posture that aims primarily at defeating an adversary. In addition to these attitudes or dispositions toward the purpose and function of dialogue, productive discourse also requires the application of a number of concepts and strategies which it is the purpose of this book to describe.

Discussants are sometimes unaware of complexities and ambiguities in concepts or values frequently used (but seldom examined) to justify positions on public issues. Equality, welfare, moral responsibility and property are just a few of such concepts, most of which were mentioned by Clarence and Joe. In asking whether a property owner has the "right" to discriminate on the basis of race, we might wish for example to explore the distinction between legal and moral rights. It might also help if we were to explain the difference between equality construed as same treatment for all, versus equitable treatment for all. If one assumes a moral obligation not to discriminate, what is the basis of such a duty and what kind of personal sacrifice can be demanded in its behalf? The recognition of such complexities would clarify the positions taken by Joe and Clarence. The major part of this section raises issues in five general problem areas involving the recurring concepts of morality-responsibility, equality, consent, welfare-security, and property. The attempt is to distill from the disciplines of history, social sciences, law and philosophy alternative definitions, assumptions, and theories on these substantive intellectual problems and to show their relevance to persisting dilemmas in public issues.

In addition to unsophisticated treatment of substantive issues, discussions may also be unproductive due to discussants' lack of skills in discussion process. A person may not know how to use an analogy to examine a general value judgment; he may neglect to raise questions of relevance; he may be unfamiliar with various strategies for resolving definitional disputes; he may not know how to question the reliability of sources for factual evidence; he may be lax in stating explicitly the issue under dispute. These skills or strategies are necessary to move the discussion along. They could be called critical or reflective thinking strategies appropriate for conversational situations(as contrasted with library study or essay-writing). Chapters 1 and 2 deal primarily with discussion process problems.

We can illustrate ways in which substantive and procedural insights could have improved the discussion quoted above. Were Joe and Clarence to have a more productive conversation, excerpts of it might look like this.

Discussion #2

Excerpts from Clarence and Joe - Revised

C I have nothing against Negroes, Joe, but it wouldn't be good for the welfare of the neighborhood. The folks wouldn't stand for it.

J "Welfare of the neighborhood"? What do you mean? Can you give any evidence of harm that is likely to occur just because you rent to the Bursons?

C I'll concede that perhaps renting to the Bursons would not cause considerable harm to them or the neighborhood. However, I still maintain the right to select may own tenants as part of my legal and moral property rights. Do you think, for example, that a landlord should be compelled to invite Negroes to his private social affairs simply to give them "equal opportunity"?

J. No. Although I believe in equality, I also believe in certain rights of property and privacy. I just think that equal opportunity to housing is a more important value than the property owner's right to exclude tenants on the basis of race. I agree with you, however, that your right to privacy and property is more important than giving everyone an equal opportunity to attend your parties.

C I think in general Negroes do have equal opportunity, even if I refuse to rent to the Bursons. They can find housing elsewhere, they do get an education, have the right to vote, can get jobs, and even welfare checks. Many are prosperous and in positions of leadership. Your analogy to the American revolution is wrong, because the patriots were clearly denied self-government and equality, but Negroes have these rights and have achieved them peacefully.

J We still haven't defined what we mean by equal opportunity or self-government. We need to arrive at some definitions and also examine more evidence, e.g. commission reports. I think, in a sense, the Negro's plight today is even worse than the patriots years ago.

Discussion continues on comparison of the two situations. Different criteria are suggested for equal opportunity (e.g. guaranteed affluence subsistence, the right to compete) and for self-government (e.g. right to vote, rights to control the economic resources, weapons, minority-majority rule). The importance of relative expectations and the need for some standard measure to determine extent to which such rights are available is also discussed.

J Since we can't seem to reach agreement on these issues of equal opportunity and self-government, could we just assume or stipulate for a moment that the Negro is denied these rights and then ask what should be our duties or obligations to correct the situation? Is it true that you believe you may help if you wish, but should not be expected to make any personal sacrifice?

G Yes, Joe. Life is pretty much a struggle where each person has to watch out for himself. It's a competitive situation where if I start giving to others, I could be left behind. Of course if someone did a good turn for me, I would have a moral obligation to repay the favor. Yet the Bursons haven't helped me, so I shouldn't have to make any sacrifice.

Discussion continues focusing on a number of situations involving different kinds of moral responsibility - doctor-patient, good samaritan, parent-child, citizen-country. Distinction made between moral duty vs. the "opportunity" to act benevolently. They agree that third parties have no duties to people who voluntarily, deliberately cause their own misfortune, but that victims of accidents or misfortune beyond their control deserve help from others.

C Well we seem to agree that people should not have to suffer for events beyond their control, but this doesn't solve the problem. The Negro can't help being black, but neither can folks in the neighborhood help being prejudiced. They were taught that way.

J But the major issue is whether you should take a chance with your personal happiness to help the Bursons. We agreed earlier that this would not cause considerable trouble in the neighborhood, so how could you refuse them?

C Yes, but we also agreed, through the analogy of private parties, that in some situations property rights are more important than equal opportunity. Then we got involved in the factual and definitional problems of how much equality and self-government Negroes have today, compared with the patriots. We had trouble agreeing on that, so we assumed Negroes were disadvantaged and went on to discuss moral obligations to make a sacrifice to help others. Since the Bursons couldn't choose their skin color, I agree that I should not deny them housing on that basis. But they do have control over their family size. At our age it would be terribly disturbing to live beneath four young children in that five-room apartment; the house is just not adequate for both families. To deny them housing on this basis would be a more legitimate use of my property rights. I wouldn't be denying them equality or self-government which I agree they have a right to.

In the revised discussion Joe and Clarence explored substantive issues dealing with interpretations of welfare; distinctions between and definitions of the values of equal opportunity, property rights, and self-government; and alternative bases for moral obligation. Discussion process skills included examination of evidence relevant to the support of factual claims; the use of analogy (private social parties and American Revolution) to test positions; concession and modification of views; explicit statement of the issue at hand; summary of points of agreement and disagreement. Revealing an effort to use discussion as an aid in developing one's views, Clarence constructed his final opinion on the basis of a recapitulation of the course of conversation. Though his position may not be changed (i.e. he still opposed renting to the Bursons), the justification for his view became more defensible, considerably more complicated. (Whether it is the most defensible position can be debated at much greater length.) The intent of this book is to suggest strategies and ideas that will help to move discussion of public issues from the simple level characteristic of discussion #1, to and beyond the more complicated level represented in discussion #2.

Case: The Mutiny Act

The following case will illustrate application of ideas developed in Chapters 1 and 2. We have deliberately chosen not a contemporary major controversy (e.g. Vietnam, black power or university rebellion), nor one that seems historically significant (i.e. we learn of Billy Budd first through literature, not journalism or historical writing). Though classic, persisting issues are often framed in the context of sensational historical conflicts involving "casts of thousands," less publicized and even hypothetical events also bring agonizing choices to individuals who seek to justify their views.

Permission to reproduce the excerpts from the play, Billy Budd, was not granted.

This case is based on a story in Billy Budd and Other Tales by Herman Melville. Sections of dialogue are taken from the play Billy Budd by Louis O. Coxe and Robert Chapman. Copyright 1951 by Louis O. Coxe and Robert Chapman. Excerpts reprinted by permission of Hill and Wang, Inc., New York.

8. APPROACHES TO DIFFERENT TYPES OF ISSUES

We could ask a number of questions to bring out controversial responses to the Mutiny Act case. Was Billy guilty of mutiny? Did he have a fair trial? How would the crew react to lenient punishment? What were Captain Vere's legal and moral obligations? Is killing ever morally justified? But the issue that seems to raise all these problems is a decision on a specific policy or proposed action: Should Captain Vere sentence Billy to hang? If this or a similar judgment on policy did not need to be made, the significance of other questions would fade. Social controversy arises in response to the advocacy or implementation of specific action or policy choices by citizens or officials in affairs that concern a community of diverse interests. Such issues can be phrased in terms of broad social policy:

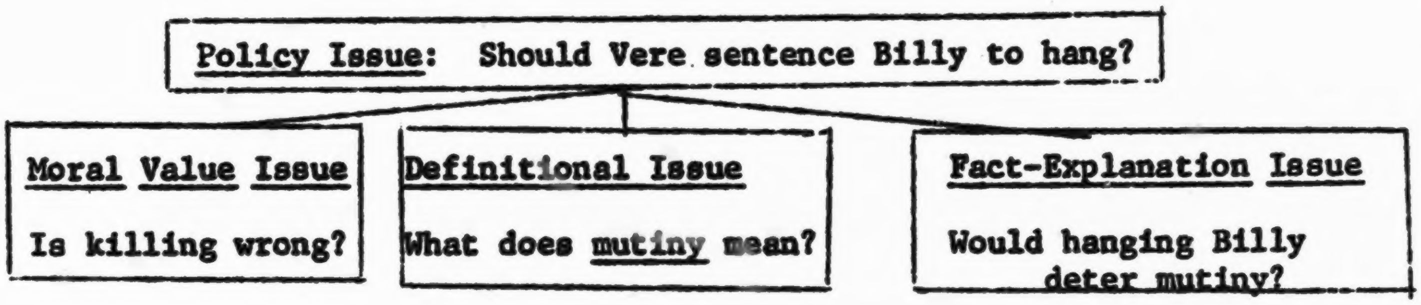
Should the United States withdraw from Vietnam?
Should students have a voice in university hiring practices?
Should the Federal government guarantee jobs for the poor?

Policy issues can also be phrased as choices for personal action:

Should I resist the draft?
Should I contribute funds to an organization of student radicals?
Should I join a poor peoples' demonstration?

By phrasing issues in terms of questions that invite "yes" or "no" replies, we do not intend to suggest that taking a stand on them involves merely the making of categorical choices. Defensible positions must demonstrate more complicated interpretations of policy judgments. Yet in the final analysis, social action forces upon us a host of choices that can be construed primarily in terms of yea or nay committments: a vote for Johnson represents categorical rejection of Goldwater; to sign a petition (however qualified its plea) is to say yes or endorse its position; to serve in the Armed Forces is to reject the alternative of resistance; to support a particular law, bond issue, or court decision is to say no to alternative policies on the same subject.

The policy judgment itself, however, does not establish its validity. A judgment derives its reasonableness, wisdom or defensibility from arguments used in its justification. Thus we distinguish between a judgment or position on an issue (the acceptance or rejection of a given policy) versus the rationale in support of that position. This distinction is made in the familiar claim, "You have the right position, but the wrong reasons." Rational discussion involves the questioning, examining, and building of rationales or justifications behind positions or policy judgments. Arguments over the justification of policy judgments usually involve three broad types of issues: A) Moral or Value Issues; B) Issues of Definition; C) Issues of Fact and Explanation. Later we shall show how these types of issues are closely related, but for the moment we shall discuss them separately. The following diagram illustrates how the different types of issues might arise in discussion of the Mutiny Act case:



Moral-Value Issues

Moral statements or value judgments suggest that some objects, persons or actions are "good" or "bad", "right" or "wrong", and that the "goodness" or "badness" is based on general moral principles (as opposed, for example, to particular laws, customs, or personal taste). Joe argues that Billy Budd should not be hanged, "because it is morally wrong to take a man's life." Alex says that, though it is regrettable, Billy should be hanged, "because it would be morally wrong for Captain Vere not to administer the law impartially." These opposing positions can be seen as disagreements between the priority that each person is willing to give to the value of human life versus the value of impartial administration of the law. Generally the values on which people base their positions are taken for granted rather than explicitly announced. We believe that impasses in controversial discussion could be considerably clarified if discussants tried to identify and label the values in conflict.

In the most general sense, values could be defined as ideals that people favor and strive to achieve. Such choices can be expressed in several ways: general moral principles and imperatives (the examples above, also "do unto others..." or "all men should be treated equally"); constitutions and laws ("no one may be tried twice for the same crime," "the sale of narcotics is forbidden"); unwritten customs or patterns of behavior (indicating, for example, the high value that Americans place on material possessions or formal education); actions indicating disagreement in matters of personal taste (arguments over the quality of art, literature, food, personal virtue). Disputes of public significance involve all these modes of expression of value choice, but rational discourse over policy judgments involves a rhetoric in which values are justified primarily in the form of general moral or legal principles.

The American Creed - Basis for Value Consensus

The ethical-political tradition of the West contains a number of general values or norms which most Americans claim to support: freedom of religion, speech and private association; rights of private property; due process of law; majority rule; honesty; impartiality; equality of opportunity; general welfare; safety and security; the rule of law; separation of governmental powers; consent of the governed and political representation; settling disputes through rational debate rather than violence. Phrased in such general form and isolated from the heat of a particular controversy, most people agree that each of these is good, to be highly valued as part of the "American way" (Myrdal, 1944).

The values are not independent of each other (perhaps impartiality is necessary for equality or majority rule is one ingredient of consent of the governed). Nor is the list exhaustive of all values which Americans support. Perhaps we should add charity, competition, family loyalty, materialism, conformity, the desire to be well-liked, thirst for sensationalism and violence. One might distinguish between values supported in the public rhetoric (e.g. peace and charity and values in Myrdal's creed) versus those evidenced in actual behavior, but not publicly praised (e.g. materialism or violence). Rather than attempt any systematic taxonomy of American values here, we wish merely to recognize the existence of a broad realm of diverse values that evokes considerable consensus in the abstract. Those values approved of in the moral, legal and constitutional tradition are the ones relied upon for public justifications of policy stands.

As illustrated above, in specific controversial situations it seems that some values in the Creed must be violated if others are to be upheld. Should a landlord be able to discriminate on the basis of race? The value "equal opportunity" would apparently bar racial discrimination. Yet the value "right of private property" seems to allow the landlord enough autonomy to discriminate. The values of self-determination and national security come into conflict in debates on foreign policy: If the U.S. isolates itself from the affairs of foreign countries, it supports their self-determination, yet those nations may act in ways that threaten the peace and security of the U.S. To preserve national security, the U.S. must intervene, but this violates the principle of self-determination. Other types of value conflicts are relevant to the following policy issues:

Policy Questions	Value Conflict
Should federal aid be given to parochial schools?	freedom of religion vs. separation of church and state
Should police have the right to interrogate suspects without a lawyer?	protection of the innocent vs. public safety
Should activities of Communists be restricted?	freedom of speech vs. public security
Should the government regulate businessmen's rate of profit?	private property & enterprise vs. general welfare
Should capital punishment be abolished?	retributive justice vs. "thou shalt not kill"

It is customary to support one's policy choice by showing that choice to be consistent with one of the values in the Creed. An opponent to the policy, however, can show that his position is also consistent with a value in the Creed. Jack and Marion have been discussing whether a religious minority like the Amish should be exempt from compulsory school attendance and social security laws.

Jack: In this country we believe in majority rule and the majority of the people in Pennsylvania think the Amish should go to public school. Therefore, they should not be excused.

Marion: Yes, they should be excused. The Amish are a religious minority and our country is founded on beliefs in the rights of religious minorities, even though the majority has different views.

At this point the discussants could begin to discuss which of the two values should be given higher priority in the given situation.

Supporting and Challenging Value Judgments

Given a discussion in which policies have been justified with reference to particular values, we can ask how values themselves might be justified or challenged. There are several possible strategies for dealing with such value issues.

A. Use of value-laden Language.

Moral or value statements can be phrased in "loaded" words that give rise to strong personal feelings. Terms such as "killing," "upholding the law," "impartial" tend to arouse in us positive or negative feelings. According to Irving Lee,

> It is one of the commonplaces of studies in semantics that a number of words may refer to the same thing though each may imply strikingly different attitudes to it. As Sam Weller said, "When a poor fellow takes a piece of goods from a shop, it is called theft, but if a wealthy lady does the same thing, it is called monomania." It has been recently observed that "the rich are alcoholics and the poor are drunks." We learn rather quickly to reserve some words for use when things are considered pleasant and desirable and others for the contrary. If you wished to express approval of someone, would you not be likely to choose the former of the following pairs? Strength of purpose--pigheadedness, generous--spendthrift, zealot--fanatic, patriot--chauvinist, progressive--new-fangled, supporter of free enterprise--capitalist.

If one's feelings or committments depend largely upon how a given event or policy is labeled, and if any given event or policy could be labeled in several ways, then we must scrutinize the appropriateness of value-laden terms used to arouse feelings for a given situation. Problems of labeling will be discussed more fully in the section on definition.

B. Use of a respected or venerable source.

Value statements may be justified by showing that they are prescribed by a source that most people consider sacred or authoritative: the Bible, the Constitution, the Declaration of Independence, or the words of a highly respected public figure. The reasoning could proceed:

Billy Budd should not be hanged (policy stand),
because it is wrong to kill(value-laden terms)
because the Bible says, "Thou shalt not kill" (venerable source).

However, sacred sources themselves often contain contradictory values. In the Bible we have "thou shalt not kill" on the one hand, and "an eye for an eye, tooth for a tooth" on the other. In the Constitution, we have the value of states rights, but also prohibitions on state action. For this reason, appeal to venerable sources is often insufficient for justifying the priority of some values over others, and also because disputants may disagree as to which sources are more authoritative (in the Budd case, should the laws of England or the command of God to have mercy take priority?).

C. Prediction of a valued consequence.

Suppose Alex argues that Billy should be hanged, because he feels that the value of impartial administration of the law is important. Joe asks, "why is it so important that Captain Vere abide by the law?" "Because," replies Alex, "abiding by the law will lead to hanging Billy, which will provide an example for other members of the crew who are contemplating violence; this will teach them a lesson and result in a more orderly and effective ship."

When a policy or value statement is justified through prediction of consequences, two problems arise: First, one must be able to show that the predicted consequence is highly probable, a factual issue. Second, even assuming that the prediction is correct, we may continue to ask the value question: "Are these consequences good?" (Is social order on the ship more valuable than the life of an innocent person?). If, however, one can reach agreement that predicted consequences of a value choice are likely to occur and that the consequences should be valued, this offers persuasive justification for the original value choices.

D. Relationships between Specific and Higher Order General Values.

Above, Alex, in addition to making a prediction about the consequences of a value choice (obeying the law), suggested that this specific value choice was related to another more general value: social order. One might argue that a number of specific values - equal economic opportunity, due process of law, majority rule, efficiency, privacy, etc. - are logically necessary to the attainment of more basic, overriding values. One might assume, for example that the root of all morality is the value of equality, and then try to show that values such as brotherhood, impartiality, majority rule or due process of law are specific ingredients, without which equality is impossible. Or one might cite the pleasure principle as the foundation of all values and attempt to show that private property, religious freedom, physical safety are intrinsically related, while others, such as anarchy or inequality, are logically incompatible. Other possible root values could be human dignity or individual freedom. Most often the root or higher order values are phrased so vaguely that it is difficult to demonstrate that specific values are unequivocally consistent or inconsistent with them. Is the specific value "majority rule" necessary for the attainment of equality, maximum pleasure and individual freedom? Is private property consistent or inconsistent with any of these? In searching for logical connections between specific and general or higher order values, we must be alert to problems of ambiguity in abstract, analytic value hierarchies.

E. Identifying value conflicts.

Justification for policy and value choices can be improved by finding inconsistencies and contradictions in value committments. The use of analogy is an effective way to probe for value conflicts.

ALAN: It was right for Captain Vere to hang Billy because he had to obey the law. He had no choice.

BARBARA: What if your kid sister were seriously injured, and your father was arrested for speeding while he was taking her to the hospital. Do you think he should be convicted and fined?

ALAN: No.

BARBARA: Then you're allowing your father to break the law.

ALAN: Of course, but that's different. My father was trying to save my sister's life.

BARBARA: Billy Budd was trying to save his own integrity and honor. Perhaps for him that was worth striking an officer--breaking the law.

ALAN: I guess in my father's case I think the value of my sister's life is more important than the value of my father's obeying the law. But I think obeying the law on the ship is more important than the value of Billy Budd's keeping his honor or integrity.

The analogy is an authentic or hypothetical situation involving principles similar to the original case, but which elicits a denial of a value or policy initially supported. To avoid appearing inconsistent in the face of this denial, the typical response is "That's different," which is intended to imply: "I am not being as inconsistent as I may appear to be, because the new or analogous situation you used to trap me is not comparable to the original case, thus I should not be expected to support the same value in both cases." Discussants should then explore the principles or criteria on which the analogy is considered fundamentally different or congruent with the original situation. This can lead to an explicit explanation of why one would uphold a value in one situation and reject it in a similar situation, all of which helps to clarify the nature of the value conflict and one's justification for his policy choice.

Dealing with Incompatible Value Frameworks

The strategies for clarification of value statements that we suggest assumes that participants in a dialogue share a committment to values in the American Creed. Such values are psychologically internalized and serve as basic ground rules or morality for public policy. Without common agreement at this general level, effective communication on value conflict is unlikely. Suppose, for example, that in the discussion of the Mutiny Act, Alan totally rejects the value:"killing is wrong", and has no objections to killing innocent people. In the absence of any committment to human life or protection of the innocent, it is hard to imagine that Captain Vere's choice raises any important questions for Alan. Unless his value framework included those commonly accepted as part of the Creed (majority rule, peace, equality, due process, honesty, brotherhood, law abidance, property, etc.), the problem of choosing one value over another would not arise.

One could object to basing one's conception of public controversy primarily on the value system of one society. One might argue that the American Creed presents too narrow a range of choices, and that teaching the values of the Creed is brainwashing if it excludes other value frameworks; for example, revolutionary Marxism or some form of existentialism. It is our belief that the Creed contains values sufficiently diverse to embrace ideals and values of virtually any culture at any point in time. This is not to say that all these diverse values are supported with equal popular enthusiasm. In the field of race relations, for example, property rights have long been given priority over the ideal of equal opportunity. Yet the Creed endorses equality to the point where a socialist could claim he acts in the best American tradition. Similarly, the Nazi emphasis on national security and unity, the black militant's claim to political-economic power, a South Sea islander's emphasis on tranquility, an African's loyalty to tribe, a Buddhist desire for contemplation, a Hippie's concern for personal freedom, honest expression and love--each of these diverse orientations has counterparts within values suggested by the American tradition. Since some values seem dominant and others subordinate at any given period of time, one is tempted to claim that the subordinate ones are not really part of the American system. History demonstrates, however, that dormant or latent values may emerge to replace the manifest ones of a given age (compare, for example, what seems to be a waning concern for the protestant ethic of work among the young, and increased emphasis on fulfillment in interpersonal, rather than material terms). Still there are values beyond the range of the Creed, as suggested above in the boy who had no objections to killing the innocent. Another example of someone operating with an alien framework would be the person who refuses to engage in rational dialogue when asked to justify his position.

Another roadblock to discussion of value priorities is the relativist: The person who claims there are no absolute standards by which to judge men's actions; that one man's values are as good as another's; that although I may have been taught that X is wrong, it is not wrong for Harry unless Harry believes it to be wrong. The extreme relativist refuses to apply norms or morality to anyone beyond himself. This position can be characterized by statements such as: "If Harry believes equality is good, then equality is good for Harry." "If I think that criminals should receive a fair trial, that value is o.k. for me, but no one else needs to accept it." "Although I thought it was wrong for the Nazis to slaughter the Jews, the Nazis thought it was right, so it was right for them, wrong for me, but there's no reason to argue about it, because each person has his own values." Unless one's adversary believes it is appropriate to judge others on the basis of values he holds, that there are some generally desirable absolutes which men should adhere to, then it is impossible to carry on a reasoned conversation about which values are preferable to others in a given situation.*

A final obstacle to productive consideration of value issues is the denial of rational discussion and argument as an appropriate vehicle for resolving disputes. We assume that clarification and justification of value choices can be achieved through rational dialogue and debate. This assumption, can be frequently challenged by alternative positions which deny the value of rational thought itself. For example, the spiritualist might maintain that solutions to value issues are arrived at only through divine inspiration, command or revelation; the Machiavellian would claim that values become justified only through the exercise of power and manipulation, not through the development of a logical argument. Both positions dismiss the relevance and effectiveness of rationality. Findings in contemporary psychology lend support to a view of man as irrational by nature and motivated primarily by unconscious emotional drives. His choices are not the result of deliberate rational thought, but of impulses and environmental conditioning. Those who accept this view of man may deny the value of rational consideration of value issues. Although we are deeply aware of irrational or non-rational bases of human behavior, our position assumes a committment to rationality as an effective way of dealing with human choice.

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*A more extended consideration of the relativism issue appears in Chapter Three below.

Our conception of the process of value justification would be inapplicable to the extent that a person's value framework a) rejects the values implied by the American Creed; b) denies that values should be applied in some absolute sense; c) rejects the values of rational thought or dialogue.

Issues of Definition

Important disagreements may revolve around the way key words or phrases are used in discussion. In the dialogue above based on the Mutiny Act, Billy was "responsible" for the death of Claggart, assuming this to mean acting so as to bring about a result, regardless of one's intent. Barbara may insist that Billy was not responsible, because for her "responsible" means action with deliberate intent to bring about the result. Before the discussion could progress, it would be necessary for participants to discover the separate definitions or interpretations that each has given to the concept "responsible," and then to arrive at a mutually satisfactory interpretation. Another definitional problem in the Billy Budd case is whether Billy's behavior should be considered an act of mutiny (whether it constitutes "mutiny" determines whether or not it becomes subject to penalties in the Mutiny Act). We shall use this issue to illustrate various approaches to definitional problems.

I Types of Definitions

We could define mutiny in several ways:

1. Mutiny is a revolt against military authority.
2. Mutiny is what happened on the ships in stories like Mutiny on the Bounty or the Caine Mutiny.
3. Mutiny is a willful, planned attempt by subordinates to overthrow or disobey their superior officers on a ship.

Definition by translation of synonym. Some definitional problems can be solved by providing synonymous words that translate the concept in question into terms understood by the discussant. The doctor, when asked to clarify what he means by "fractured tibia" replies, "broken leg." In such situations, discussants do not disagree over the nature of the thing being labeled. They wish merely to substitute labels that are mutually understood for those which are unfamiliar or have a narrow technical meaning. Definition #1 above illustrates the attempt to define mutiny in this fashion. Although definition by synonym helps to clarify communication (as in the learning of a foreign language), arguments on public issues cannot often be solved in this way.

Instead of being ignorant or uninformed of labels, discussants who argue the definitional issues of policy judgments, tend to disagree on the nature of the phenomenon being described. Thus which label to apply becomes a matter of contention.

Definition by example. Another approach is to point out a specific instance or example of the concept in question, as in #2 above. To explain "fractured tibia" the doctor might simply point to an x-ray or to the patient's leg. To define "civil disorder" someone might refer to "what happened in Watts, Detroit and Washington D.C. on the dates...." Definitional issues can be solved if discussants reach agreement that various suggested examples do or do not belong in the given class "mutiny," "civil disorder," etc. Perhaps additional verbal labeling or the description of general defining properties is unnecessary. Often, however, examples do not resolve definitional issues so easily; the search continues for more general defining characteristics. Scrutiny of examples aids in the verbalizing and testing of the general properties which examples share in common and which differentiate some from others. If, by considering Mutiny on the Bounty and the Caine Mutiny, discussants agree that Billy Budd's actions are not in the same class as the former two, and that the former are clearly mutiny, the definitional issue is solved.

Criterial Definitions. As disagreement arises over which label is most appropriate or whether Billy's actions fall in the same category as other "mutinies," it becomes necessary to describe in more detail the general properties or criteria one wishes to assign to the concept in question. Does "mutiny" mean "conspiring" to take over the ship, or only performing acts involved in the actual takeover? Does it include knowledge of the conspiracy? Does it include impulsively striking an officer when there is no intention of disobedience?

The importance of using several criteria can be illustrated in the problem of defining "communist." We might define a communist as a person who: 1. believes in the teachings of Karl Marx, 2. goes to Communist party meetings, 3. works for world domination by countries whose leaders believe in the teachings of Marx. According to this definition a person would have to meet all three of these criteria to be classified a Communist. The fact that a person believed in the teachings of Marx would not be enough. We might call him a Marxist, but not a Communist. The fact that someone had gone to Communist party meetings would not give us sufficient information to classify him as a Communist, since a curious college student or an FBI agent might go to Party meetings.

Definition #3 above cites some criteria by which to define mutiny. We can challenge the criteria: Should the idea of mutiny be restricted to ships - suppose passengers on an airplane forcefully overthrew the pilot and crew? Suppose also that as a token of appreciation to the captain of a ship, crew members disregarded his orders for rest and recreation and instead spent their time repairing the ship and planning a surprise party for the captain. These two situations illustrate ways of testing criterial definitions. We think of situations where the criteria are not met, yet we feel mutiny does exist (the airplane); or we think of situations where the criteria do apply, but we feel mutiny does not occur (tribute to the captain). Examples serve to test the criteria, and the criteria serve to clarify similarities and differences between examples and the concept we wish to define.*

Apart from the problem of reaching agreement on the criteria that defines a term, discussants have the additional challenge of deciding whether or not a given instance in fact meets the criteria. Was Billy's action "willful"? Though it seems unlikely he wished to kill Claggart, did he not desire to hurt him? As another example, suppose Milton and Louie get into an argument: Milton argues that the United States should give foreign aid only to democratic countries. Louie presses for a definition of democratic.

Milton: "A democratic country is one which holds elections for its leaders and which has a written constitution."

Louie: "The Soviet Union holds elections and has a written constitution, but it's not democratic is it?"

Milton: "No."

Louie: " I think we should add that in a democratic country, individuals are guaranteed freedom of religion, press, assembly, the right to vote, the right to fair trial, the right to own their businesses,...."

Milton: "O.K. So we agree on the criteria. Now is the Soviet Union democratic?"

Louie: "I don't think it guarantees all these rights to its citizens."

Milton: "Can you prove that it doesn't?"

Louie: "I can't prove it, but I have the feeling that these rights are denied in Russia."

The boys first reached agreement on the criteria for their definition of democratic, but they still have the problem of deciding the factual issue of whether or not Russia meets their criteria.

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*An "operational" definition contains criteria that can be more easily observed as specific behaviors or quantities; for example, "mutiny has occurred when subordinate officers hold meetings or exchange messages indicating their intent to take command of the vessel or when persons other than the captain begin giving orders without the captain's consent."

II Classification

Moving back and forth between general criteria and specific examples is essentially a task of classification - developing categories or classes by which to organize specific data. The key terms we argue about may be viewed as important general classes whose boundaries have not been clearly defined, or perhaps the classes are clearly defined in the mind of each discussant, but the discussants hold different views of what constitutes the definitional properties of a given class. Consider two criterial definitions of "subversion":

A	B
Criticizing the policies of duly constituted government.	Participation in acts of violence intended to overthrow duly constituted government.
Giving aid in any form to enemies of the government.	Giving military aid to enemies of the government.
Seeking to change the structure of duly constituted government.	
Inciting violence.	

Given these two classes, let us consider whether specific actions constitute subversion under either or both classes.

		subversion?	
Example		A	B
1.	Editorial that opposes U.S. involvement in Vietnam.	yes	no
2.	Speech arguing that Constitution should be changed to abolish the Supreme Court.	yes	no
3.	Giving blood to Germans during World War II.	yes	no
4.	Starting a riot over race relations.	yes	no
5.	Sending ammunition and weapons to Germans during World War II.	yes	yes
6.	Training guerilla troops to march on Washington and occupy all government agencies.	yes	yes
7.	Trying to persuade people to vote on election day.	no	no
8.	Contributing funds to the Cancer drive.	no	no

As shown in Figure 1, class A represents a much broader concept of subversion than class B. All class B subversion (i.e. no's. 5 & 6) would fall under class A, but many activities considered subversive by A are not so considered by the criteria of B.

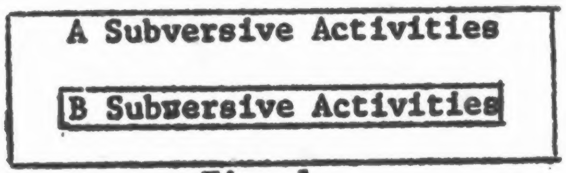

Fig. 1

Definitional arguments can be clarified by distinguishing general or more inclusive from specific or narrower meanings of a concept, and by making explicit the differences in meaning among alternative interpretations of a term. In a discussion on "what to do about violence in American society" a classification scheme such as that in Figure 2 could not only clarify in an academic sense various meanings, but would suggest a host of problems toward which the vague concern for policy on violence could be directed.

"violence"
against

- I objects
  - a. constructive
  - b. destructive
- II animals
  - a. self-defense
  - b. subsistence
  - c. sport
  - d. cruelty
- III humans
  - a. self-defense
  - b. revenge
  - c. personal gain
    - 1. monetary
    - 2. status
    - 3. love
- IV governments
  - a. self-defense
  - b. revenge
  - c. conquest
  - d. revolution
    - 1. for democracy
    - 2. for dictatorship

Fig. 2

III Attributes of Useful Definitions

On what basis should we judge whether a given definition is adequate? Three attributes will be suggested.

A. Non-circularity.

A definition fails to clarify the meaning of a term when the term is used to define itself. For example, the dictionary defines subversion as "the act of subverting;" a statistician might be defined as "someone who works with statistics"; a democracy as " a country with a democratic government." In all of these cases, the word to be defined is simply repeated, rather than explained, in the definition. To enhance the meaning of a term it is usually necessary to use in the definition new language, different from the term to be defined.

B. Convertibility

A definition can be thought of as an equation in which the term to be defined "equals" the definition and vice versa:

slave=human who is legal property of another
human who is legal property of another=slave

Suppose the definition,"a slave is a man." To convert the equation we arrive at "a man is a slave" which is false, because not all men are slaves. This definition is not convertible because the size of the class denoted by slave is smaller, rather than equal to the size of the class denoted by man. A term to be defined might also be a class larger than the proposed definition:

violence=armed conflict between two nations

Though the definition seems reasonable, it is too narrow, thus not convertible. Armed conflict between two nations is only one of several subclasses of violence: civil war, personal assault, race riots, etc. The problem of convertibility is easily illustrated if we try to use the term and its definition interchangeably in common discourse: "Violence often occurs on the streets of Harlem." "Armed conflict between two nations often occurs on the streets of Harlem."

In a convertible definition the size or domain of the term to be defined equals the size or domain of the definition. Thus the definition must be large or exhaustive enough to encompass all of the subclasses of the term (which the above definition of violence failed to do); yet the definition must not be too large - it should not include any subclasses that are not part of the term (a fault of the definition, slave=man). To substitute a proposed definition for the term in a variety of sentences is a useful way to test whether the term and definition represent classes of equal size.

C. Discriminating Power

Definitions should be sufficiently precise to distinguish among actions or events that appear to belong in a single class but, because of subtle differences should be classified separately. In defining "mutiny" perhaps we should distinguish between planned conspiracy to overthrow and replace established authority versus impulsive violence against a superior officer or non-malicious forms of disobedience. The classification scheme for violence in Fig. 2 is a definition that attempts to discriminate among several possible meanings. As a final example, suppose a group is discussing, "What has been the most civilized society in history?" A chooses Renaissance Florence, B,Periclean Athens, C,the island of Samoa, and D,20th century United States. After considerable argument they learn that each has been assuming a different definition for "civilized": A stresses aesthetic and artistic achievements; B, citizen participation in public affairs; C, peace and tranquility; and D, technological and economic development. As the different criteria are made explicit, the vague concept, "civilized", might even be discarded and discussants would proceed to judge each society on the basis of the narrower, more differentiated definitions. The discriminating power of definitions can be increased by stating what is not intended or included as well as what is.

IV Steps in Reaching Agreement

Definition as Convention or Usage.

The first step in resolving definitional disputes is to recognize different interpretations that discussants may be giving to a term; for example, construing mutiny as any act of disobedience in a military setting versus only willful conspiracy. Once the differences in definition are identified, discussants must decide which is more appropriate, or perhaps build a new definition combining important features of the differing interpretations. To achieve consensus it is often important to bear in mind that definitions are arbitrary conventions agreed upon by people, conventions that represent no logical or scientific or absolute "truth." Water falling from the sky could be labeled "paint" instead of "rain"; violent international conflict could be called "peace" instead of "war". The utility of a definition depends not merely on its meeting attributes mentioned above, but also upon whether it is accepted by discussants or a population at large.

Authoritative Source.

Dictionaries and writings of scholars can be consulted to learn varied uses and commonly accepted definitions. Frequently, however, these are not available in informal, non-academic settings. Even if they can be consulted, authoritative sources often fail to resolve disagreement. A dictionary defines mutiny as "insurrection against, or refusal to obey constituted authority, esp. military or naval authority; insubordination." Does this include all disobedience? Does insurrection include planning, knowledge of, and execution of an uprising? Is someone who is coerced into a conspiracy a participant in mutiny? Sources can leave much to be clarified. Those sources that provide several alternative interpretations of a term - a dictionary definition of "responsible" gives five different meanings - fail to instruct us as to which is the most appropriate, given the context of a specific discussion.

Stipulation.

When discussants cannot agree and authoritative sources are either unavailable or unhelpful, a temporary solution can be reached by arbitrarily assuming a given definition for the sake of moving the discussion along. Discussants must agree for the moment to use a word in a specific way, even though reservations remain as to whether the term is properly defined. In discussing the treatment of Billy Budd, someone might suggest "Whenever we use the term "responsible" it means causing an event to occur and does not imply intending the event to happen." Stipulation involves a willingness by discussants to forestall extensive argument of a term's "true essence" and to accept arbitrary conventions in order to proceed to the consideration of other issues.

V Persuasion Through Ambiguity and Loaded Language

As already stated in the section on values, a speaker may, in order to persuade someone, use words that communicate and arouse strong feelings rather than clearly defined ideas. Communist, conservative, reactionary, radical, left-wing, right-wing, racist, etc. are examples of emotionally loaded terms used in political discourse. Earlier we showed several different criteria in the definition of a communist. Liberal is another ambiguous term commonly used in politics. Some men are described as liberals because they believe that the federal government should take greater leadership and spend more money to improve the general welfare of the people in all the states: through better education, more dams for public power, public aid to people for medical care. Others are called liberals because of their strong commitment to civil liberties for minority groups: voting rights for Negroes, the right of free speech for Communists. The label thus has two quite different meanings. How do we then classify a person who believes in greater federal leadership in welfare spending but who expresses no concern about the loss of civil liberties by minority groups?

A speaker may try to impress his audience by using terms that sound scholarly or scientific, but which remain vague and undefined for the listener. X complains, "Kids are saucy and wild today, because their parents are afraid to hit them." Y replies, "This is an unsophisticated view toward child rearing. There are broad cultural, economic and social factors that make your explanation much too simplistic." The retort, with all its abstract language, says little more than "I think your view of the problem is too simple," which is not substantiated without further support and specification.

Advertising emphasizes "scientifically proven ingredients" (hexachlorophene or silentium) which, though impressive-sounding, are often unexplained. Technical or specialized jargon, though extremely useful in approaching certain problems, can be used primarily with the intent of making a listener feel ignorant, rather than to clarify issues. Justifying personal behavior as "natural manifestation of Oedipal anxiety" or supporting national monetary policy on the basis of its consistency with "Keynesian economic analysis" may be reasonable and illuminating in conversations where discussants implicitly share clear definitions, but there is the danger that scholarly and authoritative appearance will deter the "untutored" from requesting systematic definitions of ambiguous words. The challenge of productive discourse is not to avoid definitional issues, but to raise them and then work toward resolution. This can be facilitated if one is alert to ambiguous loaded language and specialized jargon - and not afraid to admit one's own ignorance.

Issues of Fact and Explanation

Discussion over the appropriate policy toward Billy Budd raises such issues as: Did Billy actually intend to kill Claggart? Did Claggart deliberately provoke Billy's attack? Would hanging Billy tend to deter the crew from mutiny? As distinguished from issues of value or definition, these are problems of determining what actually happened or will happen. Factual claims are attempts not to prescribe what ought to be or what is "good", nor attempts to clarify the meaning of specific words, but attempts to say what the world is like, was or will be. Are riots caused by communist agitators? Did U.S. foreign policy help or hinder the movement for national independence for African nations? Will black and white be able to reconcile their differences within the next fifty years? Are rebellious students sincere or just looking for publicity? Will a U.S. setback in Southeast Asia seriously threaten our national security? Disagreement over factual claims is so widespread that some observers believe it to be the major source of moral controversy. To give some sense of the broad scope of factual disputes, we distinguish among four types.

I Types of Factual Claims

Occurrence of Events and Conditions. Whether concerned with the past, present, or future, some claims help to establish that events and conditions do or do not occur. Such claims vary in their degree of specificity. "Billy Budd killed Claggart" describes a relatively discrete occurrence, but "The North and South fought the Civil War" or "The U.S. will win the Cold War" summarize a large number of smaller or more specific events. Claims focusing on single happenings or occurrences do not involve descriptions of relationships among events as clearly as the following three types of factual claims.

Associative Claims. Associative claims describe two or more phenomena which relate to each other in some systematic way. Such relationships, however, are not interpreted necessarily as cause and effect. Examples: smokers are more likely than non-smokers to get lung cancer; women live longer than men; young people tend to have views more radical than the aged; the U.S. is an English-speaking nation and has the highest standard of living in the world; the more accidents you have, the higher your insurance premiums.

Causal Claims. Causal claims suggest that one event has an effect on another, implying that event Z is a direct result of event Y, or that Z occurs only because Y makes it occur. Examples: Slavery caused the Civil War; appeasement causes future aggression; she voted for Kennedy because of his good looks; if we raise taxes, this will decrease inflation; racial segregation results in lower self-esteem for Negroes and increased prejudice between the races. Causal claims are crucial in the justification of policy judgments, because in most cases a person is obliged to predict the consequences to be brought about or caused by the policy he recommends.

Interpretive-Speculative Claims. Some claims attempt to establish the nature or essence of things or to ascribe purpose, function, pattern or design to a set of events. Such claims often answer the question "why do events happen?" rather than simply "what happens?" Examples: Allowing people to stick with their own kind gives them a sense of security and belonging; the structure of U.S. government prevents any one branch from gaining control over the others; primitive ceremonies and rituals mark transitions from childhood to adulthood; a society cannot function unless its members abide by basic rules and share common values; the black power movement helps to give Negroes a sense of identity and control over their destiny.

Associative, causal and interpretive claims often take the form of explanations for events. Most claims and explanations involve a mixture of the different types rather than "pure" illustrations of each: We shouldn't blame Billy for Claggart's death, because Claggart provoked the attack (occurrence and causal claim). Billy did what any normal person would do when terribly frustrated and unable to speak (interpretive) - hitting Claggart was an outlet for aggression that he could not express in words (interpretive). It would be unwise to hang him, because the crew has more respect for Budd than for Claggart or the Captain (associative). The crew would probably rebel if Billy were hanged (occurrence predicted). People will disagree on the extent to which these claims accurately describe reality or the facts relevant to the Mutiny Act case. This brings us to the problem of justifying or verifying factual claims.

II Supporting Factual Claims

Some would argue that issues of values and definition are responsible for only a minor portion of public controversy, and that the primary roots of social disputes are disagreements over factual-explanatory questions (Will crackdown in law enforcement deter crime and rioting? Will students run a university efficiently? Does appeasement lead to aggression in international relations? Will a guaranteed annual income relieve poverty?). While people may be willing to accept differences on value and definitional issues as subjective matters of opinion that cannot be proven in an absolute sense, they are less tolerant of ambiguity in the factual-explanatory area. A heritage of scientific investigation has taught us that factual claims can be objectively confirmed or denied, with varying degrees of certainty, regardless of one's feelings. This position assumes that a world of reality exists "out there", separate and detached from our perceptions and conclusions about that world. The task of scientific investigation has been to "discover" the nature of that reality, to construct descriptive statements that are accurate or true.

As a simple illustration of the distinction between the process of observing and drawing conclusions about reality versus the reality itself, consider the widespread belief in the claim: "President Kennedy was assassinated in Dallas on November 22, 1963." Though no one actually saw a bullet in transit from the rifle owned by Oswald, though no one saw Oswald pull the trigger, though only a few doctors observed the wounds, etc., thousands of people have come to believe that the claim: "Oswald, acting alone, killed Kennedy" is true behond reasonable doubt. Others, examining the same pieces of evidence believe the claim is highly doubtful, if not clearly false. Facts do not "speak for themselves", because they are merely conclusions that humans reach through processes of observation and reasoning. Since we are not able to observe historical or contemporary events directly, our judgments about what the facts are must be judgments about the accuracy of the factual claims of others, most of whom have not been direct observers either. We tend to verify factual claims or establish their accuracy by a) supplying supporting evidence and b) following a process of reasoning that creates logical relationships among claims.

A. Evidence

Joe argues that Billy Budd should be hanged, because this is necessary to prevent mutiny or further violence on the ship. Frank questions whether hanging Budd would in fact deter future violence. Joe replies, "If people know that harsh punishment is in store for them, they won't break the law as readily as if you treat them leniently." "How do you know," persists Frank,"that capital punishment deters crime?" This request for support of the factual claim could be answered in several ways.

1. Sources.

Rather than build his own detailed verification of the claim, Joe might answer: "I just know that people won't do things they know they'll be punished for. It's common sense." OR "Once I wanted to steal a motorbike, but after one of my friends got fined and sent to jail for stealing, I decided it wasn't worth the risk." OR "Senator Smith, who has spent several years on the problem of crime prevention, says that penalties for crimes must become tougher if we are to prevent crime."

Common knowledge or common sense, the first source of evidence cited above, is frequently used, but not a very helpful way of resolving factual disputes. People seem to have different hunches or intuitions about what is common knowledge, and when they disagree, each using common sense or common knowledge as a source to support conflicting claims, what they believe to be true is obviously not so common. When the appeal to common knowledge supports conflicting beliefs then additional sources and kinds of support are necessary to verify a claim.

Personal observation (second source used above) can be more helpful, but, as mentioned earlier, can rarely be applied, since few of us can be eye witnesses of historical and contemporary events. Moreover, there are problems in verifying the conclusions of eye witness observers. First is the possibility of personal bias in which observers notice only what they wish to, unconsciously blocking out phenomena undesirable or inconsistent with their expectations. It has been shown that persons of differing personalities and motives will describe the same set of events differently. Historians are known to believe that first-hand observers may be "too close" to a situation to perceive it accurately. Second is the problem of generalizing from a single observed instance to other similar situations. On what basis can Joe's own experience regarding theft of a motor bike help to prove the claim that hanging Billy would deter mutiny?

One would have to explore similarities and differences in the two situations and the reasoning by which Joe's observation is considered support for his claim about Billy. (The problem of generalizing is duscussed below, pp. 20-23).

Authority, the third source used by Joe, is crucial to the support of factual claims about events we are unable to observe directly. How could we prove that American colonies revolted against England, that China's population exceeds that of the U.S. or that a defense system is adequate to meet a nuclear challenge , without accepting testimony or claims of others considered to be knowledgeable authorities or experts in the field? Since authorities are known to disagree on factual-explanatory issues, we must make judgments as to whether a given authority should be trusted or believed, that is, the extent to which a given authority should be considered reliable. Some criteria by which to judge reliability are: 1) On what basis can the authority be considered an expert? If he is recognized by other authorities or scholars in a field, if he has had appropriate training and experience for dealing with certain kinds of issues, if he has had direct experience with or observation of the facts in question - all of this helps to qualify a person as an expert. 2) In what sense can we be sure that the authority is "unbiased?" It is important to learn whether the authority seems to have strong emotions about or a personal stake in the claims he makes. Advertisers make claims not merely to inform the public but to sell products; politicians seeking re-election may be primarily interested in "winning" rather than communicating "objective" truth; even scientists may have a personal interest in promoting some claims rather than others to sell an invention or push for a particular policy. 3) Do the authority's claims meet tests of logical evaluation? Apart from credentials and the issue of bias, we must ask whether the authorities'claims are consistent with conclusions of other reliable authorities, whether he supports general claims with more specific ones and whether his conclusions are logically consistent.

2. Relationships between Specific and General Claims

Suppose that Frank made the claim: "Capital punishment does not deter crime," and when asked for evidence, he made the following claims:

1. Those states that have capital punishment have crime rates higher than states in which capital punishment has been abolished.
2. A survey showed that 80% of convicted murderers in 1938 were well aware of the death penalty when they committed the crime.
3. Nine out of ten prison wardens believe that capital punishment has no effect in preventing crime.
4. I know a psychiatrist who says that if a person really wants to kill, the threat of capital punishment won't stop him.

A string or series of specific claims that seem to support a more general claim is a persuasive form of evidence. Once a set of specific claims is provided, however, two problems remain. A) Even if the specific claims are true, do they logically result in the general conclusion? B) Are the specific claims themselves true? To answer these questions requires attention not only to the sources of claims, but also problems in collecting data, generalizing from "samples" to larger populations, and the logic or reasoning used to conclude that one claim leads to or follows from another.

Statistics and Sampling

Even the claims above are fairly general. To support them, we could be more specific by quoting statements of each of the criminals and prison wardens surveyed. We could list the names of the states and each of their crime rates (or even each crime in each state). Then we would have hundreds or even thousands of very specific claims, but with all these claims it would be difficult to see whether the general claim is supported or refuted. To summarize a large number of specific claims, we use a statistic, which is itself a claim, usually expressed numerically, arrived at by counting and arithmetic (e.g. averages or percentages). Statistical claims allow us to observe "trends" in large numbers of otherwise unrelated specific claims. They help to summarize differences between groups of people (e.g. crimes in those states that do or do not have capital punishment); and they help to summarize ways in which different things vary together (e.g. as taxes increase, inflation decreases, or the more education one has, the higher his income).

One of the major reasons for questioning statistics is that they are not based on observations of the total population of persons or events we wish to describe. We cannot survey the attitudes of all murderers past, present and future, so instead we take a sample. Predictions about the future and most general claims about past and present are in this sense based on incomplete data. The challenge is to establish some basis on which our claim about a sample of people or events can be generalized to a larger population, or behavior in a different time and place from the observed sample. Is the opinion of only one psychiatrist enough (statement #4)? Perhaps many others disagree. How many opinions must one get in order to verify the claim that psychiatrists see capital punishment as no deterrent? Increasing the number of observations in a sample may help to make the sample more representative of the general population, but not necessarily. In addition is the problem of quality. Suppose that the survey of criminals included only those convicted of armed robbery during the depression: a time when men were more desperate than in the prosperous 1960's. As another example, it is frequently claimed that leisure time has increased in the U.S. over the last fifty years. For which groups of people? Certain professionals such as doctors, attorneys, etc., are known to work harder than ever before, but blue collar workers do have more free time. In asking how representative a sample is, we must ask not only is it large enough to represent the general population, but does it seem to have characteristics similar to the larger population.* When we question whether Joe's fear of harsh punishment can be generalized to the crew on an English warship of the 18th century, we are asking essentially whether Joe's "sample" contains enough qualities to be representative of a general human reaction to the threat of punishment.

Generalizing between Individuals and Groups

To discuss public policy it is necessary to make claims about the needs, problems and behavior of large groups of people - Negroes, whites, poor people, housewives, farmers, politicians, children, criminals, etc. Though we do not use exact percentages or numbers in common discourse, the use of such terms as "all," "most," "some," "the more this, the less that," implies statistical claims. To say that most whites are racist, or most Negroes wish to become independent, or politicians are generally interested only in furthering their careers, or suburbanites are usually politically apathetic, - are claims that may be accurate or inaccurate at some level of statistical certainty. Since each is based on observation or contact with a relatively small member of a general class, we must inquire as to characteristics of the sample (e.g. randomly selected, representative of different categories in the general class) that justify generalizing from it to the larger class. General claims that become fixed images, insensitive to significant variety and differences within a class are stereotypes. Stereotypes are claims based on observations that do not accurately represent the large class.

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*Apart from the sampling problem, statistics can be misleading in other ways. A business may boast an increase in profits of 100%, yet if it were known that previous profit was only $1.00, the 100% looks less impressive. A finance company might advertise "only $10 down and $5 per week with two years to pay." Yet this may amount to 30% interest on the sale. The apparently low value of weekly installment disguises the relatively high rate of interest. It is, therefore, important to interpret statistics in terms of both absolute numbers and comparative percentages.

A common error in statistical interpretation is to assume that because two variables are related numerically that, therefore, one causes the other. It can be shown, for example, that as the number of ministers in the U.S. increased, so did the consumption of liquor. Does this mean that ministers cause alcoholism? Although the size of the clergy and the gallons of liquor rise and fall together, it would be hard to prove a causal relationship. Both are probably a function of a third variable: increase in the general population. To say there is more crime per capita among Negroes than whites does not establish that Negroes as a race are genetically more prone to crime than whites. Crime could be a function of a third variable: poverty, for which Negroes have a higher per capita rate, probably because of discrimination by whites. To discover whether any given statistical association also represents a causal relationship one would have to inquire into the effects of variables beyond the given association.

To describe farmers as physically hard-working, raw-boned, uneducated and underpaid is to ignore the many wealthy white-collared, executive business managers who run large corporate farming enterprises.

As we generalize from specific individuals to claims about groups, we also do the reverse. By virtue of an individual's membership in a class, we ascribe to the individual attributes that have been assigned to the class. Knowing, for example, that whites as a group have higher income than Negroes, it would be reasonable to predict, on observing two complete strangers that the white man makes more money than the Negro. Because such predictions are made without investigating the particular individuals, people tend to disapprove of this form of judgment as "prejudice." Yet such predictions are necessary and justified in public policy decisions. If an insurance company can prove statistically that people convicted of drunken driving are more likely to have accidents than those with no traffic convictions, and Jones has a record of two drunken driving convictions, then, *in the absence of any other information*, it is reasonable to expect Jones to be a higher risk than Brown who has no convictions. Predictions from group attributes to individuals can, of course, be highly questionable. Knowing that Nazis committed war crimes, and that Mr. X was a Nazi does not allow us to conclude that Mr. X committed war crimes (though statistically he would be more likely than, say, a Canadian to have done so). To generalize from a class to an individual with questionable or unsubstantiated evidence is known as *guilt by association*, which can be just as inaccurate as a stereotyped claim. Mr. X, for example, may have risked his life to subvert and end Nazi atrocities. Since discussants often do not have enough statistics to build air-tight cases for claims about individuals and groups, we should guard against overgeneralizing in either direction.

B. Deductive Reasoning

Claims may be supported and challenged by building a logical argument of the following general type. Suppose we wish to support the claim: "Riots are unlikely in Deadwood, South Dakota." First we state a claim assumed to be factually correct (major premise), e.g. "Riots occur primarily in urban ghettoes or on university campuses." Next we state another claim, also assumed to be factually correct (minor premise) that relates to the major premise,e.g. "Deadwood has no urban ghetto or university campus." From the two premises, we draw the conclusion: "Therefore, riots are unlikely in Deadwood." This style of argument can raise issues of factual accuracy and logical validity, illustrated in further examples below.

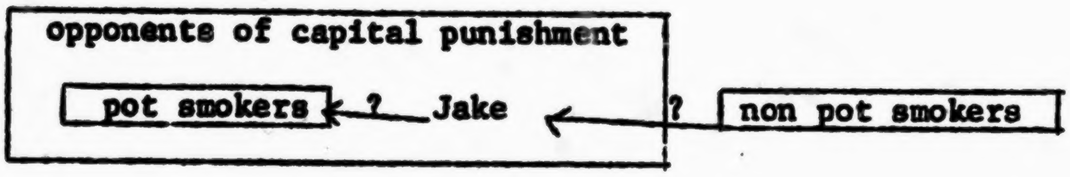
Classification

To decide whether a particular phenomenon belongs in a certain class (e.g. was Billy Budd a murderer?) can be not only a definitional but also a factual problem. Suppose a person is trying to argue that

Jake smokes pot. Using the deductive model,

Pot smokers oppose capital punishment.
Jake opposes capital punishment.
Therefore, Jake smokes pot.

The following diagram shows that Jake cannot be classified as a pot smoker from this type of argument:



The major premise is unclear, because it does not establish whether the class "opponents of capital punishment" includes only pot smokers. The general class might also include non pot smokers. While the minor premise establishes Jake's membership in the general class, it is not specifically inclusive enough to have us conclude that Jake also belongs to the subclass of pot smokers. To construe specific factual problems as questions of classification helps to examine the logic of deducing one claim from another. (Though Deadwood is not included in the class "ghettoes and campuses", should it also be excluded from the class "cities likely to have riots"?).

Reasoning By "If"

Major premises can stipulate general conditions which if fulfilled produce certain results. The minor premise establishes fulfillment in a specific instance:

If penalties for looting and arson are increased, rioting will decrease.
Today the legislature increased the penalties.
Therefore, rioting will decrease.

If we assume the truth of the major premise, this argument supports a claim that rioting will decrease. Such reasoning can be faulty, however:

If Captain Vere hangs Billy, the crew will not mutiny.
The crew did not mutiny.
Therefore, Vere hanged Billy.

The problem here is the major premise does not tell us whether mutiny will be avoided only if Billy is hanged. A peaceful ship could be the result of other conditions as well (e.g. shorter working hours, better food, more leave, etc.). It was claimed in 1964, "If Goldwater is elected, the war in Vietnam will escalate." Opponents of the war who interpreted this as only if were disturbed to learn that the war could be escalated by Johnson as well. A large number of people seem to believe that "if a person really wants to work, he can have a reasonably secure and prosperous life." On observing alcoholics, criminals, unemployed and unstable families, believers in that premise conclude the only reason or cause for such a plight is lack of desire or motivation to work. This illustrates the need for continuing examination into the premises themselves - what other factors (e.g. the structure of a system, one's childhood, discrimination) might also influence one's security and prosperity?

Necessity of Factual Premises

In addition to challenging the truth of factual premises, it is important to be concerned with their necessity or inevitability. People might oppose abolition of the death penalty on the "realistic" grounds that our penal institutions are not well-enough staffed to bring about effective rehabilitation, or an approach different from the traditional punitive one. In another context, some will oppose a decrease in defense spending on the grounds that this will put millions involved in defense industries out of work. Though this may be true, we can question the necessity of the basic premise: millions of people being employed in defense industries. Would it be possible to have an economic system with high employment, but low concentration of money and labor in defense? People who continually question the necessity of premises or givens in the social world are often criticized and dismissed as utopian or unrealistic. But unless one can demonstrate that the "world-as-it-is" is the only possible world, the conclusions one draws from "realistic" premises should be viewed as tentative and contingent upon premises, rather than inevitable or logically exhaustive.

Relationships Among Value Definitional and Factual Disputes

Drawing distinctions in the handling of the three types of issues is not meant to obscure their substantial interdependence in the process of dialogue and justification. To justify the value, "international aggression is wrong" with regard to Vietnam, we must define who is the aggressor and specify ways in which a given set of events can be said to constitute international aggression. One might list such defining criteria as a) foreign troops crossing a border without permission or invitation from the occupied country and b) the invaders' use of or threats of violence. To determine whether the historical situation meets these criteria, we must reach conclusions on issues of fact: Did the troops cross the border without invitation from the home country? Solving this factual problem hinges in turn upon further definitional, factual and value issues: If Vietnam is defined as one unstable nation including both the North and the South, then hostilities might be construed as civil war, not as foreign invasion. If the Viet Cong and NLF have wide popular support in the South, then troops from the North were in a sense "invited." If violence is carried on to oppose illegitimate or undemocratic regimes, then perhaps it should not be considered wrongful aggression. Yet what are the defining characteristics of a democratic regime? Values will influence our definitional conclusions on this issue. Values will also influence our conclusions on factual matters (e.g. Which regime has the greatest popular support?) as we choose to value some sources of information over others (e.g. reports from U.S. Army officers vs. captured Viet Cong).

Legal Issues. Ways in which the three types of issues relate to each other are illustrated in legal issues. A "law" is a rule defining a class of permissible or unpermissible conduct, based on some governmental authority. The definitional phase in a legal question is whether or not a particular action can be classified as falling under an existing law: Does Billy's act in striking Claggart fall within the classes of action specified in the Mutiny Act? To answer this question we have to delve more deeply into what really happened when Claggart was struck. Was Billy's act deliberate and malicious, or involuntary? Did Claggart provoke the act? These are, of course, factual issues. In applying the law, judges impose certain standards of fairness or justice. How much importance should be given to the spirit as well as letter of the law? Establishing the priorities that should be given to protection of the innocent, the welfare of the ship, the need to obey the law, the avoidance of cruel and unusual punishment requires value judgments. Thus legal issues, as most policy issues, involve clusters of interdependent value, definitional and factual claims.

Disagreement over Frame of Reference. People frequently disagree about how best to frame the central issues coming out of a controversial situation. The way that people come to see the issues in a case is determined to some degree by their frame of reference - the most important values and beliefs that influence how they interpret the world. Suppose, for example, we ask Sam, Harry and Mike to list what they consider to be the major issues in the Mutiny Act case.

Sam's List: What should Vere do to keep his power over the men?
If he doesn't hang Billy, what should Vere do to protect his position against attacks by authorities in the home port?

Harry's List: Can Billy's action be classified as mutiny?
What provisions does the law make for clemency?

Mike's List: Why did Claggart feel so threatened by Billy?
When people feel threatened, is it natural for them to try to destroy their perceived enemies?

It seems that Sam is concerned with the problem of Vere maintaining his power or leadership; Harry is interested in legal aspects of the case; and Mike is curious to explain the causes of human behavior. We might label these frames of reference the *power* framework, the *legal* framework and the *human nature* or *behavior* framework. If these three men were discussing the case, the differing frames of reference could cause considerable disagreement as to which were the most important issues to consider. When a discussion seems to be "going nowhere" it helps to look for disagreements not just on the specific level of facts, definitions and values, but on a basic level of frame of reference or general points of view through which discussants view reality.

The framework that a person brings to discussion is often grounded in a general ideology, belief system or world view. Such thought schemes consist of a network of a) ethical - value choices that prescribe the most legitimate and virtuous goals toward which men should strive; b) concepts that tend to simplify or organize otherwise random experiences and perceptions; c) factual claims, explanations and predictions about the nature of man, human behavior and the course of history. With due respect for the complexity and multiple interpretations of the world's significant systems of belief, we have tried to illustrate below, prescriptive, analytic and descriptive components of some influential frames of reference.

Ideology or Thought Scheme	Major Values	Key Concepts	Factual Claims & Assumptions
1.Christianity	Brotherhood, Salvation	Sin, Good Works, Faith, After-life	Story of creation; the Messaiah
2.Jeffersonian Democracy	Liberty, Consent of Governed	Inalienable rights; separation of powers; individuality.	Perfectability of man, ability for self-government; repressive effects of centralization
3.Marxist Socialism	Economic equality	Social class; economic exploitation; dialectic	History of class struggle; predictions on future of capitalism
4.Nazism	World conquest	Racial superiority	Relation of history and biology to racial superiority-inferiority
5.Social Darwinism	Survival	Aggression within species; natural selection	Hereditary effects of struggle for survival
6.Behaviorist Psychology	Control of human behavior	Reinforcement; Learning; Environment	Malleability of behavior
7.Freudian Psychology	Healthy personality	ego and mechanisms of defense; unconscious	Dynamics of Oedipal situation; influence of social norms; dynamics of defenses
8.Keynesian Economics	Full employment, Economic Abundance	Demand,Savings Investment, Fiscal policy	Prediction that government policy can deliberately control demand

Though it may be difficult to find in any given body of thought - religious, philosophical, scientific, political - a consistent, coherent set of interrelated values, concepts and descriptive assumptions, it helps nevertheless to search for those fundamental ideas that seem to distinguish one world view from another. Similarly, any given individual will probably harbor a far more complicated set of beliefs than is accounted for by any combination of schemes as outlined in the table. For these reasons, the table presents a vastly oversimplified view. However, if people try to justify policy in a manner consistent with a "philosophy of life", or "value system", it seems reasonable to try to identify the critical components or elements in that system as a first step in exploring the basis of disagreements and conflicts. And yet intellectual frames of reference may be irrelevant to the outcome of many conflicts. That is, individuals may argue for certain policies primarily to resolve personal psychological hang-ups or to advance material self-interest, using in justification the more acceptable language of some social philosophy. In spite of the possible influence of emotions and motivations not revealed in public rational discourse, there are at least two reasons for careful analysis of those frames of reference or belief systems that are used to support public policy. First, in the world as it is, people do cling tenaciously to rationales and social philosophy to validate their positions; thus we have a duty to respond seriously to the frameworks articulated. Second is the author's belief that the course of human affairs will be improved if, in the area of public policy, we attempt to counteract emotional, irrational bases of behavior with tough-minded, rational analysis.

In this spirit we have been bold enough to suggest such a table as above. In Christianity, for example, the major goal, salvation, derives meaning from a sense of an opposite concept, damnation. And both are embedded in the notion of an after-life. Just as heaven and hell clarify the nature of the major goal or value, the concepts of good works and sin help to specify the basis on which the value (salvation) is achieved. The validity of the goal and its related concepts are said to have been established in particular historical events: The story of creation establishes the existence of God and his relationship to man; the life of Christ further specifies possibilities for salvation, models of behavior, such virtues as mercy, turning the other cheek, etc. One could proceed down the list of thought systems trying to identify for each the salient components and relationships in the prescriptive, analytic and descriptive domains.

It would be useful to add to the list and to provide more complicated entries. A digest of dominant belief systems would be helpful in construing the day-to-day language of laymen and officials who advocate policy. Notice that numbers five through eight are considered to be scientific explanations rather than philosophies or ideologies - they are called explanatory models and presumed not to imply or advocate values (but only to explain empirical reality in a valueless manner). In spite of disclaimers by academic investigators, explanatory models do have value implications, however unintended by the model's advocates. Skinnerian explanations of behavior lead to attempts to control or produce certain behaviors, under the assumption that efficient control is to be desired. Galbraith's description of the new industrial state implies certain duties and responsibilities for the "technostructure" as did Adam Smith's description of the market system imply certain behaviors for government. Though Freudian theory may seem valueless, it implies treatment with clear goals. Thus in a digest of significant thought schemes or frames of reference we might include entries as full of obvious values as those explicated in Christianity and Jeffersonian Democracy or as allegedly sterile of values as systems analysis or pragmatism. In the process of identifying such schemes we learn not only of a number of different basic assumptions that people may hold, but also of ways in which specific value, definitional and factual issues are intertwined.

Role of Academic Disciplines in Clarifying Discussion of Public Issues

The foregoing and subsequent analysis will raise in the minds of educators the problem: What happens to history and the social sciences and other academic fields when the focus of curriculum becomes public issues rather than the learning of a discipline? Some would argue that a grounding in the fundamentals of certain disciplines (e.g. economics, history, political science) is an absolute necessity to any reasoned discussion of public issues. Because of serious problems in justifying the social and intellectual utility of any given field or discipline, we cannot accept this position (see Oliver, 1957; Bolster, 1962; Newmann, 1967). This is not to say, however, that academic disciplines are of no help in the analysis of public controversy. Quite the contrary. We see important contributions of history, social science, law and philosophy in two general areas. First they provide a body of substantive findings (Berelson & Steiner, 1964): that is, theories, generalizations, and categories for organizing experience. The bits of substantive "knowledge" that emerge from disciplined inquiry vary in the extent to which they are accepted as confirmed final truth (compare such claims as "all known human societies have religion(s);" with "appeasement in foreign affairs leads to further aggression.") Regardless of their finality or conclusiveness theories, hypotheses, concepts, etc. from the disciplines offer a number of alternative frames of reference through which to view reality. This is not to imply that ideas proposed by academicians are the only source of seminal thought. Potent organizing ideas have been proposed by people engaged in such non-scholarly pursuits as social action (e.g. black power) or religion (mercy) or art (beauty). To the extent that formal disciplines create language for comprehending various kinds of experience, their findings should be scrutinized for possible relevance to the analysis of public controversy.

A discussion on the justification for U.S. policy in Vietnam might benefit from attention to aspects of several disciplines. History provides an endless set of cases by which to deal with definitional problems (e.g. the difference between internal strife or civil war vs. foreign aggression) and controversial factual claims (e.g. comparison of the Munich analogy to inquire under what conditions appeasement might lead to aggression). Political science differentiates among models of government and patterns in the delegation of power that might help clarify alternative policies for nation-building. Arguments dealing with the net economic benefit to be derived from U.S. "investment" in the struggle could be enlightened by reference to cost-benefit analysis and theories of economic development. Study of law might help to clarify international obligations arising out of treaties and the conditions in which they are executed. Philosophy and anthropology help to identify alternative value systems that one might use to judge the worth or success of a given policy (e.g. utilitarianism, existentialism, situation ethics, family patterns and social structure that imply adherence to specific values not expressed in philosophical language). Part II of this book identifies a number of concepts and theories arising from several sources, within and beyond formal disciplines which we consider useful in clarifying public controversy.

A second contribution of the disciplines lies in the models of inquiry and persuasion they employ. Mindful of a number of alternative definitions or descriptions of scientific or disciplined thinking by such thinkers as Kaplan, Berlak, Schwab, Ennis, and Dewey, we make no attempt here to describe a definitive model. We may note, however, certain processes or steps frequently considered necessary for arriving at "the truth." When we create hypotheses and explanations for describing the world, and/or prescriptions for judging and affecting it, we are often expected to define or support conclusions. "Support" usually means demonstrating the conclusions to be consistent with canons of logic and empirical observation. Philosophy illustrates a style of dialectic for probing logical implications of one's claims and categories. Science gives us such methods of observation as the survey, experiment and case study (Berelson and Steiner, 1964), along with ground rules for evaluating the validity and reliability of empirical claims. This chapter's discussion of the verification (justification) of factual, definitional and value claims suggests specific styles and approaches that presumably aim toward logical and empirical consistency.

We are particularly impressed with legal (or jurisprudential) reasoning as a model of inquiry useful for dealing with controversial public issues. Judicial reasoning of the common law is general enough to deal with the range of factual, definitional and value issues inherent in public controversy, yet it embraces these wide concerns within a definite pattern or strategy of thought. Aware of dangers of over-simplification, we could characterize legal reasoning as follows.

Inquiry begins as a result of a particular, specific controversy between parties. In contrast to a scholar trying to define or create a problem, the judge finds himself between disputing parties who demand solution of issues that the judge had little part in creating. It is assumed that decisions on the specific controversy at hand must be justified with reference to general, but qualified, principles so that it will be possible to decide all like cases in the future consistently with the present case. We may say that X should be held responsible for the killing, because he intentionally shot Y, and that, in general people who intentionally inflict harm on others should be held responsible. In the effort to justify a decision through a general principle, we must take care to make sure that all future cases arising under the principle will be decided justly. Suppose, for example, a prosecutor claims that the victim of a knifing attack should be found guilty of manslaughter for shooting his attacker. Though he harmed another intentionally, we would not hold the knifing victim responsible, on the qualification that even intentional killing is justified in cases of self-defense. This interaction between specific cases and the articulation of qualified general principles is a striking feature of legal reasoning that differentiates it from other kinds of inquiry. Because of the underlying value of justice that "like cases must be decided in like manner," the effort to be consistent with relevant precedent is paramount. The following outline of specific steps in legal reasoning is intended not only as a strategic outline for thinking about public issues, but as a vehicle for illustrating the kinds of issues likely to arise.

1. Given a host of facts on a controversy between two or more parties, decide precisely what are the major issues to be resolved. (Judicial opinions distinguish between those issues that can and should be handled in the judicial tribunal versus those that should be handled elsewhere.)

2. For each issue, search for similar cases in the past and uncover the rules or principles governing past decisions.

3. In regard to each issue, ask whether the present case significantly resembles any of the precedent cases.
    a. If the case does not fit any precedent cases, arrive at a rule de novo and justify it. (Because of the untiring efforts of judges and adversaries to show relevance of present issues to those of the past this rarely occurs.)
    b. Does the present case resemble cases with conflicting lines of precedent?
        1. If conflicting precedents are not apparent, simply repeat the precedent ruling; OR justify any departure from precedent if a new ruling is applied.
        2. If conflicting lines of precedent are involved, select one line, justify it and the rejection of alternatives; OR reject all precedents and justify application of new principle.

The schematic outline gives no guidance in determining which issues should be decided, no criteria for deciding which precedent cases are relevant (how does one distinguish between significant and trivial similarities and differences among cases?), no grounds for justifying departure from precedent. As the judge (or citizen) begins to make a list of vital issues, factual (Does racial segregation bring psychological harm?), definitional (What does "equal protection of the laws" mean?), and value (When should the authority of the federal government be favored over the will of a majority in a state?) issues emerge. They can be dealt with through strategies mentioned earlier in this chapter. The jurisprudential model, in its adherence to canons of logic, its tendency to be increasingly attentive to empirical findings of science (& history), and its primary effort in resolving specific human disputes through the articulation of qualified general principles, offers a convenient method of approaching and relating the diverse issues of any given social controversy.*

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*Legal reasoning has been criticized for a blind adherence to values and principles of the past said to be increasingly obsolete and irrelevant for thinking about problems in the modern world. It is also chided for a paralyzing concern for logical consistency, as opposed to freer, less systematic modes of thought (e.g. situation ethics or transcendental insights that cannot be rationally articulated). Observers who probe human bases for legal reasoning see many decisions as rationalizations for committments to values of the times, decisions of political expediency, irrational personal choices. We think, however, that the method of legal reasoning is not per se restrictive. It offers as much latitude for imagination and new ways of thinking as the humans who make decisions possess. The only important constraint is the principle that like cases should be decided in like manner, a principle we would endorse as requisite for justice and fair-play.

9. DISCUSSION WITH DIRECTION

To recognize strategies of clarification appropriate for the kinds of issues examined in Chapter 1 is a first, but not sufficient step toward productive discourse on public issues. In addition we must give constant attention to the flow of dialogue; that is, the extent to which discussants listen and respond to each other, the depth with which issues are explored, the cumulative development of positions and rationales as a result of conversation. It seems necessary to think on two levels at once. On the one hand we must take a stand and think of reasons to defend it. On the other, we must ask questions about the discussion process:

> Am I sensitive to what other people are saying, or did I miss an important point? Do I know what the central issue is, or should I try to make it more explicit? Are we jumping around from issue to issue? Did someone change the subject without making an explicit transition? Should I challenge whether some comments are relevant to the issue we are discussing?

Discussants who make a conscious attempt to anticipate and deal with some of the following problems may avoid the extremes of "free association," disconnected opinion on the one hand versus sophistic or emotional combat (shedding more heat than light) on the other.

Sensitivity

Conversations often seem to go around in circles because no one raises or answers any questions that challenge another person's statements. Often the discussants seem to be talking about different issues, even though they are on the same general topic or problem. They may, in fact, be listening to one another, but this would be hard to guess from what they say, for they simply do not respond to one another's statements. When this sort of thing happens, people can be called insensitive to one another's statements.

[Discussion of "Mutiny Act"]

HARRIET: Captain Vere is so dogmatic. He doesn't even want to give Billy a chance.

BEATRICE: The real problem is making the distinction between what is morally right and what is legally right.

ZELDA: I really don't like sea stories anyway. They're always so rough and bloody.

BEATRICE: Obviously Billy had no legal right to hit Claggart. But what other way was there to defend himself?

ZELDA: I saw a movie on television Sunday night something like "The Mutiny Act." The good guy got killed because some cruel captain wanted revenge.

Here each girl gives an opinion or states a position without taking notice of what others are saying.

The next conversation illustrates a more sensitive discussion:

HARRIET: Captain Vere is so dogmatic. He doesn't even want to give Billy a chance.

BEATRICE: I don't think the problem is so much in the type of man Vere is, but rather the legal bind in which he is caught.

ZELDA: I don't see what difference either position makes: Harriet sees the problem as a flaw in the character of Captain Vere. Beatrice sees the problem as a poor sea captain caught in an unjust legal system. As far as I am concerned the results are the same: An innocent man is hanged.

BEATRICE: But it does make a difference, because the central problem is to find out whether Captain Vere did the right thing.

HARRIET: I agree, and I don't see how you can blame the system when the young officers offered a number of possibilities for saving Budd's life, which the captain all but ignored.

ZELDA: I see what you people are saying now. You agree with me that a wrong was committed in hanging Billy. Our problem now is to find out where to put the blame. We can blame Vere or we can blame circumstances that are beyond Vere's control.

Making judgments about a conversation's sensitivity is fairly easy when we listen carefully to others, or when we read what they said. It is much more difficult, however, for a person to be sensitive when he himself is caught up in an argument. Usually a discussant has to make a conscious effort to connect the speakers with the issues being expressed.

In the above argument, a sensitive participant would say, "Harriet is blaming the man, Vere; Beatrice is blaming the system, the law; Zelda at first doesn't see the relevance of this distinction, but later she agrees that it is useful." If another person entered the conversation at this point and wished to move the discussion forward, he should have this kind of summary in mind.

In her last statement Zelda helped to make clear the issue around which the discussion revolved. She might also have made explicit her agreement or disagreement with others in the dialogue. Such summary statements indicate that the members of the group are listening to each other.

One can demonstrate sensitivity to others' comments not only by making summary statements of agreement and disagreement, but also by conceding a point or modifying one's position in light of previous comments. Sensitivity is also demonstrated in specific challenges to previous statements ("If you believe in capital punishment for accidental killing at sea, what about penalties for fatal auto accidents?").

Stating the Issue

An argument usually begins when people have different points of view regarding the rightness or wrongness, the legality or illegality, the justice or injustice of an action or policy, or the truth of a claim.

Discussion is often aroused by stating our "gut level" feelings about one aspect of a concrete situation: "Billy was wrong to strike Claggart"--"Vere had a right to hang Billy"--"Showing Billy mercy would have made the crew more loyal." In a complicated situation such as "The Mutiny Act," many different opinions are soon thrown into the discussion. One of the first challenges of disciplined discussion is to sort out the different things being said about different issues or topics. Another helpful strategy is to identify points of agreement and disagreement. These steps allow the participants to focus on a limited number of issues and pursue them systematically. When participants are discussing one issue at a time, it is also easier to be sensitive to other people's statements.

To state issues clearly, it is useful to translate the main position, or opinions expressed into questions. Stating the issue in question form focuses the discussion on a specific topic that requires reasoning and justification. Look back at the last discussion of Beatrice, Harriet, and Zelda. Did they come to a clear statement of the issue? To what extent does the following dialogue state issues clearly?

HENRY: Captain Vere really had no choice; the Mutiny Act stated that striking an officer in wartime was a capital offense.

DAGMAR: The Captain could have disobeyed the law. He did have that choice.

HENRY: But why should the Captain stick his neck out? Why should he do what he knew was wrong, and suffer possible punishment for that later?

DAGMAR: But it wasn't wrong to save Billy's life. The law itself was wrong.

HENRY: You mean obeying the law is wrong?

DAGMAR: Sure, when your conscience tells you that there is a higher moral law being violated. The Nazis were obeying the law when they executed innocent civilians in concentration camps. Obeying the law was not right.

HENRY: Well, suppose my conscience tells me that it is wrong to come to school and be brainwashed by English and social studies teachers. Is it OK for me to defy the school attendance laws and stay home?

DAGMAR: But that's different. You're not being brainwashed. You're being educated to know more about the world around you.

HENRY: I think you're right, but my example points up the issue we're discussing: When is it reasonable or justifiable to obey one's conscience when it means disobeying the law? To answer this question we've got to explore a number of situations and ask about each: What is there about this situation that makes conscience more important than law, or law more important than conscience?

In this conversation Henry has suddenly stepped outside of the give-and-take of the argument and tried to summarize the nature of the issue over which he and Dagmar disagree. One advantage of this kind of skill is that it provides focus for the discussion. A second major advantage of stating issues explicitly is that it tends to broaden the discussion and show how a number of similar situations can be related, compared, and contrasted. In the above discussion, for example, it shows how Nazi laws and school attendance laws help clarify dilemmas in the "Mutiny Act."

Pursuing Issues With Continuity

Only one or two issues were raised or discussed in the short sample conversations on earlier pages. But longer discussions usually raise several issues--and expand the possibility of confusion. Each participant tends to raise an issue that supports his stand on the more general topic. He then pursues this issue as long as he is "winning," only to switch the issue when he begins to lose ground.

Changing the issues too quickly tends to disrupt attempts to clarify or resolve basic disagreements. The systematic pursuit of an issue means sticking with it long enough to deal with its problems thoroughly, making sure that all members of a discussion group know where each one stands. This may be referred to as discussion continuity.

In the following discussion about the Vietnam war, continuity is broken at a number of points. See if you can find them.

1 **BERNARD:** Say, Stanley, what do you think of that law Congress passed about burning draft cards?

2 **STANLEY:** It's a good law. Those guys really bug me. Just a bunch of beatnicks trying to dodge the draft. They ought to be in jail.

3 **BERNARD:** I don't think it's a good law. How are you going to enforce it fairly? Suppose somebody tears up his draft card by mistake?

4 STANLEY: Who'd do that?

5 BERNARD: It's a stupid law. What harm does it do to burn a draft card? Besides, look what they did to David Miller. He's a sincere, clean-cut kid, but they put him in jail.

6 STANLEY: Well, he's not so bad, but some of those other guys. ...Besides they are encouraging others to buck the draft....It's unpatriotic.

7 BERNARD: It's not unpatriotic if you believe that the war is a violation of American principles.

8 STANLEY: You mean the war in Vietnam?

9 BERNARD: Yes, we're killing a lot of people and using gas and napalm and all that just to support an unpopular dictatorship. That's against our principles.

10 STANLEY: Well, it's also against our principles to let the Communists take over.

11 BERNARD: The Viet Cong aren't just Communists. There are a lot of other people in their movement too. It's the government that calls them all Communists. They say they are nationalists.

12 STANLEY: What government? Ours or the one in Saigon?

13 BERNARD: Both.

14 STANLEY: Well, if our government calls someone a Communist, he probably is.

15 BERNARD: Is that your definition of a Communist?

16 STANLEY: Well, not exactly, but our government must know who they are.

17 BERNARD: If our government called your brother a Communist would you agree with that?

18 STANLEY: Oh no! My brother isn't a Communist.

19 BERNARD: How do you know?

20 STANLEY: He doesn't belong to the Party; he's never even read Marx or talked to a Communist.

21 BERNARD: Well, if these Vietnamese peasants hadn't read Marx or didn't belong to the Party, they wouldn't be Communists either. Right?

22 STANLEY: Well, that's different. Besides, my brother is being drafted to fight while these guys burn draft cards. They ought to burn them too.

23 BERNARD: They probably will.

All these issues are related to some extent, but agreeing on one does not mean that one must agree on the others. Many considerations under each issue that are left unexplored as the conversation moves on. When so many aspects of the draft-card burning (for instance) are left unexplored, the discussion is short-circuited.

Explicit Transitions

There are points in discussion where it is useful to leave one issue and move on to another. This may happen before or after an issue has been fully clarified. An argument between two discussants may become so deadlocked that no agreement is likely. They may then agree to disagree, and to take up another issue related to the general topic. Or one member of the group may see that there is a prior issue that must be settled before the issue under discussion can productively be explored.

When someone chooses to change the issue under consideration, he should make this known with an explicit transitional statement, explaining why a change of issue at that point would move the discussion forward.

In the previous discussion on Vietnam, the first change in issue occurs in statement 7, with no warning. The issue shifts abruptly from "Should burning a draft card be unlawful?" to "Is war in general, or the Vietnamese war in particular, consistent with American principles?"

Stanley might have alerted Bernard to the fact that he was changing issues, and said why:

STANLEY: Well, some of those guys are encouraging others to buck the draft. And I think this brings us to the more important issue on which the draft-card burning issue rests. The more basic question might be stated this way: "Is the draft necessary for national defense?" And I say it is necessary.

BERNARD: I would agree that it is unpatriotic to hinder our national defense. But is our defense at stake in Vietnam? The real issue then is: "Should we be fighting in Vietnam at all?"

STANLEY: All right, let's drop the draft-card burning issue for now and get at the issue on which it rests: "Should the U.S. be in this war?" I say yes. We are, in the long run, defending our own freedom from aggression.

In this exchange Stanley and Bernard have explicitly changed the issue to guide the discussion in a direction they think more appropriate.

Relevance

People can disagree on their position on a specific issue. They can also disagree on whether or not they should move to a new issue. An even more common problem, illustrated below, is determining whether or not a particular statement is related to the issue under consideration.

HUBERT: I thought that when a sea-captain was on a ship on the high seas he was his own master, a kind of dictator. Why does Vere have to obey the Mutiny Act?

JASPER: Captain Vere has a narrow military mind. He probably likes the idea of pushing people around, just like Claggart did.

HUBERT: Vere's personality or character, what you're talking about, is really not relevant to whether or not he is bound by the Mutiny Act. Stick to the issue.

JASPER: Sure it's relevant. I'm saying that Vere sees himself as a military man and therefore thinks he's bound by military law.

HUBERT: But I'm asking is he really bound by the law, whether he thinks he is or not.

JASPER: Oh. I see your point. You're saying that we ought to establish the legal facts of the case before we determine how Vere interprets these facts.

Challenging the relevance of a statement is a way of pressing toward greater continuity-- systematically focusing on one issue at a time. It is also a way of forcing a discussant who has switched issues to provide a transitional statement. In the example above, Jasper switches the issue. Then Hubert clarifies for Jasper why it is unwise to move to a new issue so soon. Jasper agrees.

One of the more effective argumentative tactics is to elicit agreement or concession from an adversary on an issue that appears relevant to the main issue, but on closer examination would be judged irrelevant. One can give the appearance of having "won points" when in fact, one's persuasive statements concern issues irrelevant to the major points of contention. The need for close attention to the relevance of statements is especially evident when the following three strategies are used.

Ad Hominem

One way to dismiss or discredit an argument is to attack the person who states it. Ad hominem remarks are aimed at the man rather than the argument. Some discussants question the motives of their adversary ("You're just trying to make me look stupid" or "You're just saying that to start an argument"); others indulge in more blatant name-calling: "You're a pigheaded liar" or "What a riduculous argument" or " I shouldn't even waste my time talking to you." The use of humor and sarcasm is particularly persuasive in leading an audience to doubt on a man's ability or integrity: "My worthy opponent, as incumbent school committee chairman, certainly has great knowledge of school affairs. His five close relatives whom he appointed to top administrative posts must keep him well informed, not only in the office, but at family affairs as well." Ad hominem remarks generally distract attention away from the basic issues being discussed and instead focus on the persons. This is not to say that personal credentials, ability and integrity are not valid issues themselves--in many cases they are. If a school board is deciding whether or not to appoint Mr. X, X as a person is the main issue. If we are trying to decide whether to believe Mr. Y's statements about the effects of radioactive fallout, then Y's credentials, expertise, and motives may be very relevant. But even if we disagree with Y about his motives, simply calling him a communist, or an ivory tower egghead does not help to establish rationally anything about the man as a person. Unfortunately, discussants often fail to distinguish between ad hominem remarks and those centrally related to the main issue.

Metaphor

We can sharpen or accentuate the essence of a situation by relating it to a vividly imagined symbol that cannot be literally applied (e.g. "A mighty fortress is our God."). Suppose Harry is arguing that giving money to slum dwellers won't ensure that they spend it correctly to improve themselves. To clinch his point, he reminds Joe, "You can lead a horse to water, but you can't make him drink." The metaphor is impressive, but how relevant is it to the main point, the implication being that slum people are no different from horses.

Another example might be designating new African nations as "instant nations," in the effort to discredit them. The American associates "instant" with "instant coffee," for example. The phrase combines two elements of derision: the Africans think they can build a nation as easily as one can make a cup of coffee; and obviously instant coffee is not as good as brewed coffee--good coffee, like a good nation, takes time to "brew." While making coffee is far afield from nation building, the metaphor points up the fact that "if you want quality, some things just take time," and this point is brought out more vividly by the use of metaphor than simply by saying it. The senses in which coffee brewing resembles nation-building are highly questionable, however persuasive the metaphor seems at first glance.

Analogy

Though elsewhere we have discussed the clarifying function of analogy, we must be alert to problems of relevance they create. Harry and Joe have been arguing about the desirability of guaranteed income to alleviate poverty in the U.S. Harry has pointed out that this policy will probably cause increased income tax for the wealthier people, and Harry doesn't see why he should pay higher taxes to support poor people. "Well, suppose X is lost at sea on a life boat," suggests Joe. "The boat has five people on it, with a hole in it and it is necessary to bail constantly. X is the only one with food. To keep up the bailing, search for food, etc., he needs at least three other people. Shouldn't he share his food with others?" "Of course", agrees Harry. "Then," reasons Joe, "You should be willing to make a financial sacrifice for the poor people in slums."

Is the life boat analogy relevant? Harry may have the feeling that "it's different" from the situation dealing with the income tax, but if he is unable to articulate the nature of important differences (e.g. Does Harry's own life depend upon charity to slum dwellers?), he will be unable to argue that the analogy is irrelevant. As was discussed earlier, even if we conclude that an analogy is irrelevant, distinctions made in the process of reaching this conclusion can clarify important issues in the major problem being considered.

PART IV: SUBSTANTIVE CONCEPTS FOR APPROACHING CURRICULUM FROM A PUBLIC ISSUES VIEWPOINT

by

Fred M. Newmann

10. INTRODUCTION TO SUBSTANTIVE CONCEPTS

The preceding analysis of types of disagreements, strategies for justifying different types of claims, and guidelines for moving discussion in more productive directions can be applied to discussions on any issues: Roman persecution of the Christians, northern disobedience of the Fugitive Slave Law, U.S. support of counter-revolutionary regimes, or Mayor Daley's policies at the Democratic National Convention of 1968. In addition to theorizing on the nature of intellectual disagreement, rational persuasion and the flow of dialogue, it is necessary to explore specific ideas, values, or concepts that allow us to construe social controversy in a variety of historical contexts. In Part II, as the chapter titles indicate, we have chosen to discuss specific problems in the areas: morality-responsibility, equality, consent, welfare-security, and property.

These ideas often play central roles in justifications offered for policy judgments. Joe advocates persecution of American communists as necessary "to protect national security." Harry argues for guaranteed minimum income on the basis of "equality of opportunity." Jim pleads for black community control of schools, referring to traditional rights of self-government or consent. Chester opposes open housing legislation as a violation of his "property rights." Henry argues that the war is "immoral" and that people have a "moral responsibility" to disobey authority when the authority orders "immoral" acts. In many discussions reasons for one's positions are stated simply and repeated, but not critically examined. People are often unaware of multiple meanings, interpretations and assumptions that might be applied to a given idea, unaware of possible inconsistencies in the ideas used to support a position. To point out complexity and to raise unresolved issues that frequently go unnoticed is the major intent of this section. To identify alternative concepts and assumptions within the domain of otherwise glibly stated ideas will hopefully serve to deepen discussion and expose new areas of disagreement, rather than "solve" public issues.

It may be helpful to relate some of the steps that led to the choice of these five categories or problem areas. One could, of course, construe public controversy in terms of several categories and dimensions. For a time, we organized social conflict under five general labels: use and control of violence; maintenance of standard of living; establishing priorities and privilege; mechanisms for dissent and change; defining the balance between private and public concerns. At another point, we attempted to distinguish among different perspectives of thought and value systems through which people interpret reality. Aware of orientations of various intellectual traditions (including social science and other disciplines), we proposed the following breakdown. Each "perspective" focuses on or tries to explain certain domains or aspects of experience, and there seems to be an implicit general purpose or objective in the use of each perspective.

Perspective	Deals with	Implicit Goal
Legal-Ethical	Procedures for determining values and for judging the distribution of power	Justice
Political	methods of attaining and retaining control	Accommodation of Conflicting Interests
Personality	individual motivation and styles of choice	Emotional Maturity
Economic	production, distribution and exchange of goods & services	Material well-being
Religious	ultimate meaning of life and death	Salvation
Proof Process	verification & explanation	Truth
Rhetoric	persuasion & clarification	Communication

Whereas the first five perspectives seem to have counterparts in academic disciplines, the last two seem more general - they are essentially the framework used in Part I. Perhaps some aspects of social science (e.g. sociology or anthropology or newly emerging fields such as futurology) are "meta" perspectives in the sense of examining community issues with all of the above perspectives in mind. Given a particular controversy, one might explore the relevance of each of the various perspectives, or using our first scheme of five categories, try to identify the salient problems.

Rather than merely label a type of controversy, it seemed necessary to search for ideas, theories, general models, and specific issues that could illuminate and clarify disagreements that arise on specific social choices. In examining actual controversies (e.g. the American Revolution, Civil War, and dozens of cases ranging throughout history in different societies), we tried to identify specific issues that might be clarified through the contributions of various discipline areas: ethics, law-politics, economics, sociology-anthropology, psychology, history. We constructed a grid or matrix for dealing with any given dispute. The grid would be "filled in" according to facts and dilemmas presented in a given message or case. It would serve as a guide to indicate a number of possible agendas for discussion. It was expected that only some of the cells could be appropriately filled in for any given controversy. The most "pregnant" case or situation would be that for which the greatest number of cells were completed. A grid for the mutiny act case follows.

To illuminate discussion of issues raised in the grid, we turned to social science disciplines (also law, ethics, philosophy) in a more systematic search for explanations, concepts, models relevant to social controversy. Though we compiled for each discipline a set of ideas useful in the justification of positions and in the explanation of controversy, we chose not to present a separate chapter on the contributions of each discipline. To construe social issues solely in terms of criteria and boundaries of traditional academic disciplines might impose unnecessary and artificial constraints. The seminal values and ideas used to justify policy stands arise from far more unstructured, "sloppy," experience than is suggested by the labels of formal scholarship. The most powerful ideas used by laymen, non-scholar policy-makers, and even scholars themselves are ideas that have been studied and argued within a number of intellectual traditions or perspectives. Aiming toward a more holistic and organic view of social controversy than would be implied by chapters entitled "economics," "political science," etc., we have incorporated insights from many fields into topics that we consider more indigenous to or at the nucleus of controversy itself. The topics are by no means mutually exclusive; considerable overlap of issues among the topics should be apparent.

11. MORALITY-RESPONSIBILITY

A passenger is cast overboard from a sinking lifeboat to lighten its load so that women and children may live. A pilot directs bombing on innocent villagers to root out the enemy. A governor pardons a convicted murderer. A judge awards damages on the basis of a broken contract. A real estate broker, honoring wishes of clients, refuses to show property to Negroes. Discussions on such issues bring statements like: "He had a responsibility to the group;" "Though legally justified, it was morally wrong;" "He didn't deserve such punishment;" "You must keep your promises;" "My only responsibility is to myself or my client." Efforts to establish one's duties or obligations by considering the interests and rights of others are by definition, efforts in moral deliberation. In a sense this definition implies that discussion of public issues consist primarily of moral reasoning, because most public issues involve conflicting duties, obligations and responsibilities. Although argument on public controversy involves issues that go beyond moral questions, the purpose of this chapter is to select major ideas and dilemmas relevant to public issues that seem primarily concerned with the question :

> "What would be morally right; or what is one's moral responsibility?" *

Ideas drawn largely from the field of ethics are used to define and illuminate problems pursued below.

Types of Obligations and Duties

From the diverse contexts in which morality becomes an explicit issue, we can distinguish three levels of debate:

A) questions of obligation in one-to-one personal relationships (Is X bound by his promise to Y? Does Joe "owe" his father anything?):

B) questions of an individual's obligation to make a sacrifice for the good of the group (Should the man on the lifeboat

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* We have co-titled the chapter responsibility, because a common interpretation of "responsible" action is that in which a person meets his moral obligations.

give his life for the survivors? Should the youth be forced to serve his country?);

C) questions of the group's responsibilities to individuals (Should the majority give equal privileges to a dissenter; Should the government grant special financial assistance to disadvantaged persons?).

The three levels have been referred to respectively as commutative, contributive and distributive obligations.

One might suggest that commutative obligations seem least related to public policy, more personal or private in nature. In fact, however, person-to-person obligations are prescribed and enforced by the community through laws and customs. Such personal relationships as between husband-wife, parent-child, employer-employee, professional-client are continuing topics for public debate as laws on adultery, child neglect, collective bargaining, and mercy killing illustrate.

Although philosophers have not yet demonstrated that ethical justification differs substantially from level to level, we feel the categories are useful. If in the future we can demonstrate that some concepts or paths of reasoning seem most appropriate for only certain levels, then the distinctions would have obvious utility.

Alternative Meanings of Responsibility and Obligation

Causal versus Moral. The claim that "Jack was responsible for the accident and so he should pay", implies that Jack caused the mishap to occur and that, by virtue of his causing the event, he has incurred certain obligations. It is common for middle class whites to react to the plight of poor black people by saying, "Since I've never done anything to them, I have no responsibility for the problem - thus no obligations to help solve it." This position assumes that obligations arise only when some direct causal link connects a person to an event or state of affairs. There are some difficulties with this position. First, it is often difficult to pin-point and isolate clear causes of complex social events (e.g. wars, or riots), both because of a multiplicity of causes and the infinite regress that traces all causes back to Adam and Eve. Second, we can find a number of cases in which it is widely agreed that one does have some moral obligation, even though one had no participation in the events at hand. An unsuspecting bystander witnesses an auto accident in which all passengers are seriously injured and unable to summon help. Although coming to the aid of the injured will cause the bystander inconvenience, and possibly considerable loss of time, it would be generally agreed that although he did not cause the accident, he had an obligation to help the injured. Conversely we can think of situations in which a person does directly cause an event, yet we would agree that the person should not be held morally responsible: harm inflicted by the mentally insane, or the young child lacking self control. When individuals or groups are said to be "responsible" for a state of affairs, we must ask whether a causal or moral sense of responsibility is intended. As suggested above, moral responsibility may arise on grounds other than direct cause; for example, the ability that one has to relieve suffering, contractual and legal obligations, a tacit consent, etc. One of the challenges of moral reasoning is to define more specifically criteria by which one incurs moral responsibility.

Prima Facie versus Actual Obligations. If Mary promises to babysit for Mrs. Jones on Wednesday, we could agree in general that she had an obligation to keep her promise. If, however, on Wednesday evening Mary's mother became seriously ill and Mary had to take her to the hospital, we could agree that Mary's actual obligation was to care for her sick mother rather than keep her babysitting promise. We could list a number of obligations - such as keeping promises, obeying the law, caring for one's children, honesty, refraining from violence, etc. - which help to define one's moral duties in general, that is, one should act according to such obligations unless one can find a special reason or exception for violating them. Such obligations are prima facie guidelines for moral behavior. In the actual course of events, extenuating circumstances often make it impossible to follow prima facie duties. Mary cannot both keep her promise and care for her sick mother. She must make a choice as to what her actual obligation is in those circumstances. Although we have a prima facie duty to obey the law, a protestor with strong moral objections to the Selective Service System and the Vietnam war may burn his draft card, feeling an obligation to act out a dramatic form of civil disobedience. Similarly, the northern abolitionist who violated the fugitive slave law to help runaway slaves or the Jewish sympathizer in Nazi Germany who helped Jews escape Nazi law. The most heated of public controversies are disagreements over whether a person's or group's prima facie obligations should actually be followed.

Bases of Moral Judgments

Below we shall discuss a number of principles or values that have been used to prescribe responsibilities and moral obligations. In spite of our emphasis on deliberation based on qualified general principles, we must recognize an approach to morality that discourages concern for basic principles. It has been argued that one should not base moral judgments upon general principles, because a) it is impossible to demonstrate that any set of principles is valid; and b) adherence to principles unnecessarily burdens us with problems of consistency, justifying exceptions to the rules, etc. This view of morality sometimes called "situation ethics" warns against excessive emphasis on models that aim to make decisions of the present consistent with those of the past. It calls on us to judge each situation as it occurs as unique and thus not to be assessed by principles that evolved to deal with previous and necessarily quite different situations. The extent to which we should base moral judgments on general principles to be applied to similar cases at different points in time will be discussed below. At this point, however, we shall discuss some of those principles that people do in fact use to guide their moral deliberations.

Principles or Values as Bases for Moral Judgments

Prudence. Basing one's obligations on considerations of prudence alone is often said to be immoral, because prudence places highest value on self-interest or self-satisfaction - one acts in such a way as to maximize one's own individual objectives, without regard for the needs and rights of others (unless such regard is useful in attaining one's self-interest). If morality assumes a serious concern for the rights of others, then prudence seems to be an unmoral basis for deciding on one's obligations. A real estate broker can refuse to show property to Negroes, "Not because I dislike them or because I think they don't deserve equal opportunity, but only because I risk economic losses to my business if they move into the neighborhood." This represents reasoning based on self-interest or prudence alone. A more sophisticated type of self-interest, often called enlightened self-interest, does consider the rights and interests of others, but only as a means to further selfish goals: "I will sell property to Negroes, because if I refuse, they might picket my business and prosecute me for violating the fair-housing ordinance, which would damage my image as a respectable businessman." Although this broker would in effect be helping to guarantee equal rights to others, his basic justification for such action is prudence - the success of his own business. The politician or university administrator who advocates reforms, not because he considers them intrinsically justified, but mainly to "avoid trouble or protest" acts on the basis of "expediency", another form of prudence. Although some will argue that reasons of prudence or expediency are not truly moral considerations, we believe that such issues cannot be avoided and that the essence of moral deliberation lies in balancing and testing the significance of the prudent course of action in contrast to action based on other principles.

Law. In a society having great respect for the authority of statutory law or regulations, the law often becomes synonimous with morality itself, and there are those who believe that the essence of morality is obedience to the law of the times. This belief can extend to the point where, if no law can be found to cover a given decision, it would be claimed that any possible actions (within the law) would be morally right. The extreme of this position would hold that Mary, the babysitter, could either help her mother or babysit for Mrs. Jones - since there was no law telling her what to do, neither action is morally preferable. Similarly, the legalist approach could uphold Eichmann's action in arranging for extermination of the Jews, on the grounds that he was obligated to follow orders from his superiors; or the morality of slave-owners obeying laws that reinforced the institution of slavery with its various atrocities.

There are obvious problems in construing one's obligations as simply to obey the law. First, there are different types of law: statutory; local, state and federal; constitutional, common law, and even "natural law." There may be conflicting precedents or rules, depending upon what type or level of law is followed. Though local ordinances have banned certain types of speech and demonstrations, protestors have violated these laws in the name of upholding their constitutional rights to free speech. Laws of the Amish religion have conflicted with laws on education; state law has differed from federal law on the public's responsibility to provide counsel for defense of the indigent. Second, within a given source of law there are conflicting norms or precedents. In constitutional law, the separate-but-equal doctrine conflicts with the Brown decision; decisions upholding the police power of states conflict with decisions that authorize Congressional regulation of state affairs. To argue that the "most recent" law should be followed does not solve the problem: U.S. action in Vietnam is held consistent with that part of the UN Charter that gives nations the right to resist aggression, but is said to be a violation of the provision that outlaws intervention by one country in another's affairs.

Finally, in certain situations distinctions are apparent between one's legal and moral obligations. We search for "higher" principles when laws do not compel any particular action, either because the laws contain conflicting guidelines or because they do not address themselves to the problem (Should Mary care for her sick mother or babysit for Mrs. Jones?). We raise moral questions about one's obligations when a person obeys what most would consider to be an unjust law (e.g. the Nazi commandant operating an extermination camp), or when deliberate violation of the law is justified by appeal to a higher moral principle (e.g. patriots fighting the American Revolution or Negroes sitting at lunch counters).

To decide which moral values or principles can justify violation of the law is, of course, a persisting issue, and below we shall discuss some of the more general ideals (beneficence, utility, justice, freedom) that have been used to define the "higher" moral values. Given the assertion that one is not morally bound to obey immoral laws, we may try to define the essence of morality in terms of these general values or with regard to a more specific set of criteria. Lon Fuller (1964) suggests that for a law to be moral, it must 1) apply equally to everyone who comes within its scope; 2) be publicly promulgated so that people can be expected to be aware of it; 3) be clearly enough expressed so that people understand what it requires; 4) must not contradict other laws also in effect;

5) must not require what is humanly impossible; 6) must remain relatively constant through time; 7) be enforced by official action consistent with the formal rule; and 8) cannot punish people retroactively for behavior presumed to be legal before new laws were made. These criteria may be seen as necessary but not sufficient conditions for judging the morality of law; in addition, one might wish to impose other values such as "passed by majority rule," "not infringing on personal privacy," etc.

Having accepted a prima facie duty to obey the law, we must be prepared to face situations that require additional principles for the justification of one's moral obligations.

Utility. One of the additional principles customarily invoked stresses "the greatest good for the greatest number," and although the concept was originally suggested as a criterion for the making of legislative decisions, it has served as a more general basis of morality. The man who abandons the lifeboat so that several others may live could justify such an obligation on this utilitarian ground. The principle is also used to justify the use of majority rule as a way of making social decisions, under the assumption that majority rule maximizes the number of people likely to be satisfied.

The utility principle raises the problem of a) defining what is meant by "the greatest good", and b) calculating the extent to which "good" is achieved by various actions or policies. The good has been defined as a situation in which the total amount of pleasure is maximized and the total amount of pain is minimized. This has also been called maximizing "happiness." Yet how are we to weigh the relative pleasure or happiness resulting from sensual pleasure, material comfort, or phychic peace of mind? Utilitarians proposed the development of a "calculus" that accorded positive and negative values to different human conditions, experiences, states of mind, and the job of the legislator was to use such a calculus to mathematically maximize total happiness. The plausible hypothesis that one man's pleasure might be another's pain creates severe problems of application. Nevertheless, the general principle is commonly invoked when we speak of the soldier's duty to give his life for his country, the duty of the wealthy to pay taxes for the benefit of the poor, the duty of a dissenting minority to follow rules or decisions laid down by the majority, the taking of private property through eminent domain, or the punishment of criminals by the larger society. Yet the principle of utility can be called into question on the basis of other standards of morality: when the majority persecutes a religious minority, when vigilante justice by a majority denies due process of law, or when a strong populous nation occupies a small weak neighbor. In such cases, principles such as equality, justice, freedom or charity may be considered morally superior or perhaps as pre-requisites to the happiness of the greatest number.

Freedom. It is argued that the freedom or autonomy to choose one course of action among several is the nucleus of moral reasoning, and without such freedom it is impossible for man to be moral. Advocates of this view in its extreme suggest that any coercion denies man the opportunity to be moral. Thus formal laws enforced through sanctions essentially deny men the opportunity of being moral by prescribing instead of allowing individuals to choose acceptable social activity. Using individual autonomy as the sole basis for morality, however, raises the perplexing contradiction that X's exercise of complete freedom may in fact result in his restricting the autonomy of others. If X is highly moral, he would voluntarily restrict his own actions so as not to interfere with others' freedom. But because not all men agree with this standard of morality, and because even those who do may be unable to calculate the effects of their actions on others' freedom of choice, society has evidently chosen to restrict individual choice (through many laws and institutions) in the name of preserving freedom.

Liberty, autonomy and individuality are often proclaimed in the attempt to define man's most sacred rights. "Give me liberty or give me death," reflects the central importance of freedom within a constellation of other values. It is said that man's very human-ness depends upon preserving his freedom. With this in mind, it may seem odd that none of our chapters is entitled "liberty" or one of its synonyms. Since conflicts between individuality and social obligations pervades so many social issues, rather than to isolate freedom as a special problem, we chose to deal with it as it arises in different forms throughout the substantive problem areas. Perhaps the Chapter on Consent deals with the value of freedom most specifically in considering rights of individuals freely to control their lives.

Beneficence. Expressed for centuries in teaching of Christianity, the principles of love and charity serve as another powerful value in moral reasoning. We shall here combine them into one principle, "beneficence," and emphasize the doing of good for others, which may involve forgiveness, "turning the other cheek," giving of alms and charity, offering emotional comfort and kindness, and generally sacrificing one's self-interest for the benefit of others. It has been argued that beneficence is the essence of morality, the ultimate criterion for judging whether any given action is morally right. A persistent difficulty in applying the principle relates to the distinction between a person's will, intent and motivation on the one hand versus actual consequences arising from his actions and deeds on the other. Is it consistent with the principle of beneficence for a political leader to advocate war, based on a sincere intention to preserve peace and goodwill on earth? Or suppose a selfish motive leads to "good deeds": the mammoth business corporation contributes millions for philanthropic projects, but the basic motivation behind the charity is self-interest, that is, tax deductions to preserve profit, and advertising to perserve a respectable image. The distinction between beneficent motives and deeds illustrates that appealing to beneficence alone will not necessarily solve one's moral dilemmas. Even assuming the most beneficent of motives, should we forgive children or fanatics who unknowingly injure others? Even if we could afford it, for example, would it be right to donate money to the poor whenever they beg? Should we turn the other cheek to foreign adversaries? Actions, apparently consistent with beneficence may lead to the violation of other values (or at least to perversion of beneficent intent).

Justice. We may be told that it was immoral for Stalin to persecute the Kulaks; immoral for Britain to exploit India; immoral for the U.S. to bomb civilians in Vietnam; immoral for a storekeeper to deceive customers about the quality of his products. If we ask for reasons behind such moral judgments, we may be told such actions are unjust or unfair. Since "justice" is commonly used synonymously with morality, an analysis of its meanings should include most of the values already discussed; i.e., actions above may be judged unjust, unfair (or immoral) because they violate values of beneficience, freedom, utility or law. But justice also implies more specific principles that extend beyond these values. Here we shall discuss three themes most salient to more specific connotations of justice.

(1) Justice as Fairplay. The principles or values behind fairness in the sense of fairplay are essentially those discussed under morality of the law: rules of the game must be clear and publicized, they must apply to all equally, they cannot require what is humanly impossible, they cannot punish retroactively, official enforcement must be consistent with the rules, they cannot be changed capriciously. Thus, a "hippie" or a southern segregationist may both protest the injustice of law enforcement officers suddenly enforcing a long forgotten statute; a school committee may protest a racial imbalance law that seems impossible to obey; or a citizen may protest that whites receive harsher treatment than Negroes for minor violations, because police are afraid of starting a riot - all such protests could claim injustice, based on a claim that one or more of these specific rules of fairplay had been violated.

(2) Justice as Just Desert, based on Deeds or Needs. The sense of injustice arises when we feel a person does not get "what he deserves," and our concept of desert usually emphasizes that there be some equivalency between the rewards or punishments a person receives and his actual behavior or deeds: a self-made businessman, who through years of hard work builds a fortune, justly deserves his income; the person who actually committed the crime is the only one who really deserves the prison term; the derelict, because of his lack of ambition, deserves his poverty; and the plaigarist, because he did not create the work, does not deserve credit. The concept of retributive justice emphasizes the equivalency between deeds and deserts: eye for an eye, tooth for a tooth, as does the classical maxim,

"as ye sow, so shall ye reap."

A major problem with this concept lies in deciding which deeds are worthy of rewards (money, property, status, responsibility, salvation, etc) and which deeds should be punished (through loss of above rewards, imprisonment, banishment, death, etc). Decisions about whether given deeds are worthy of rewards or punishments inevitably introduces others values into the conversation, e.g., love, freedom, utility, equality, etc. Another problem arising from emphasis on deeds is to determine whether a person should always be held responsible for his actions. Generally, we excuse people from responsibility for those deeds which the individual does not voluntarily choose to do (because of loss of emotional control, duress and coercion, or provocation). Since this problem will be discussed in more detail in the section on free will, we mention it briefly here only to point out some complexities relying on actual deeds as criteria for just deserts.

Basing deserts on deeds alone might lead to a meritocracy, with great inequalities between possessions and privileges of those more able and willing to do good works versus those less able or less motivated. Those who advocate an alternative to the "bootstraps theory" of deserts based on deeds, point to the importance of basic human needs (food, clothing, shelter, education, self-government, etc.). They suggest that regardless of deeds, persons have human rights that entitle them to humane considerations, and that it would be unjust to require people to "earn" some deserts by particular deeds. Thus we feel it is just for a breadwinner with six dependents to have more tax exemptions than a person with only one dependent; it would be just to help criminals toward rehabilitation, rather than inflict only punishment upon them. A modern dispute illustrating the two possible bases of just desert concerns the treatment of participants in urban Negro riots; does justice consist primarily in punishing them for their misdeeds, or providing social services appropriate to their needs?

(3) Justice based on Equality. In the following section we shall discuss the concept of equality as a value central to morality in general, but here we wish to acknowledge its special relevance to the value of justice. Above we have noticed the importance of rewards and punishments equivalent to deeds or needs, and perhaps the notion of equivalence is more critical than the deeds or needs in deciding whether or not justice has been done. That is, our sense of injustice is aroused most when we feel the equivalence between rewards and efforts or needs is violated. . . a person getting more or less than he deserves. A committment to equality is clearly evident in procedures aimed at justice in criminal law; rules should apply equally to everyone; similar crimes should be treated equally regardless of status or fortune, defendants should have equal opportunity before the law (rights to counsel, call witnesses); jurors and judges should be equally impartial to both sides.

Equality. Although an entire chapter will be devoted to this concept, we wish to treat it briefly here as one, if not the most central, value on which moral obligations may be justified. One of the manifestations in which equality seems most sacred is the guarantee that each citizen should have an equal voice (i.e., one vote) in his government. It is allegedly immoral to deny the franchise on the basis of race, religion, wealth or political views, because "all men are created equal." Opposition to unequal treatment extends to opportunities for education, employment, use of public services such as recreation, transportation, police protection, health, An ethic of equality also applies to one's obligations to society: all citizens should have equal duties regarding military service, payment of taxes, prudent and reasonable actions (law), toleration of religious and ideological differences responsible child rearing, etc. The value of equality is frequently raised in economic controversies (anti-trust, free-competition, labor-management, taxation) and more recently in the drive for equal educational opportunities for "disadvantaged" groups. The value could be construed as having much broader, though perhaps more subtle relevance. One might argue that the "golden rule" should serve as a basis for all morality: do unto others as you would have them do unto you. Here, the idea of reciprocity is rooted in the concept of equivalent deeds, and thus if we act under this mandate, we are essentially following the value of equality, using ourselves as a standard. Our behavior toward others must be equal to that we wish upon ourselves. Whether in criminal court, the marketplace, the classroom, the home, church or the army, firm adherence to the value of equality presents difficulties, first in distinguishing equal treatment or deserts from identical treatment, second in measuring or assessing the extent to which equality is achieved, and third in resolving inevitable conflicts when, in order to guarantee equality, it may be necessary to deprive a person of a former area of freedom. These problems will be discussed below in the chapter on equality.

Honesty. Although dishonesty may be accepted on the basis of "political expediency," we generally find moral objection to public officials who deceive their constituents by deliberately making campaign promises they cannot keep, or by refusing to tell the whole truth on given issues. Similarly, we can feel moral outrage at merchants, manufacturers and professionals who misrepresent their products and services. The concern of a child when father breaks his promise to bring ice-cream and the concern of a nation with its neighbor for breaking a treaty can both be traced to the value of honesty as a pillar of moral judgment. Here we construe honesty broadly to include obligation to "tell the truth", the duty of "keeping one's word", which is seen as an extension of honesty to actually doing what one says; and finally acting in accordance with the convictions of one's conscience. The last type of honesty is illustrated by the person who believes something to be clearly wrong, yet refuses to act or protest because of an inconvenience or conflicting self-interest: by-standers who though morally outraged by the crime they are observing, and able to stop it at no danger to themselves, refuse even to report the crime because they do not want the inconveniences of "becoming involved." A person who knows he has violated his conscience has not been honest with himself.

This is not to suggest that to be moral one must always tell the truth, keep his promises or act consistently with conscience, though indeed, the value of honesty suggests these to be prima facie duties. To the extent that the value of honesty comes into conflict with such other values as freedom, utility, beneficence, etc., then it may be necessary to sacrifice honesty to be more moral. A captured U.S. pilot, when interrogated by enemy forces, could make a reasonable moral argument for deliberately lying to his captors about U.S. military plans and resources. So might the friend who allows a mother to believe her missing son is still alive, although he firmly believes all the evidence indicates he is dead.

Sources of Moral Principles

Suppose two people argue whether it is morally right to burn draft cards as a form of civil disobedience. Joe emphasizes a moral obligation to obey the law,feels that laws concerning the draft are moral and that civil disobedience is harmful to society, because it is likely to lead to anarchy. Pete claims each person has a right to freedom of expression, one must be honest with one's conscience, and draft-card burning is a legitimate expression of moral outrage. The discussants recognize a conflict between the values of law and utility on the one hand. versus freedom of expression of conscience on the other. Once these differing values are identified explicitly, the next question might be: Where do you get your values and how do we know that your source of values is more acceptable than mine? This question implies that the validity of one's values somehow depends upon "where the values come from". We shall discuss four possible sources or ways of arriving at the values one uses to support his moral judgments.

Intuition. If asked, "How do you know that love, justice or freedom are the right values?" one can respond, "I just know it, it's part of me in my heart, it's obvious, it's common sense," etc. This suggests that further inquiry into the source of the values will not serve any useful purpose, because the values are intuitively self-evident, having no rational basis necessarily, yet acceptable, mainly because of strong unexplainable individual feelings.

Revelation. Another possible response is "God told me, or it's in the Bible, or I have received the word through strong mystical experience.

Although this suggests a Judeo-Christian orientation, revelation could presumably occur in other mystical contexts - yoga, hallucinogenic drugs, secular contemplation. In any case revelation signifies the communication of values by a transcendental power, and the recipient concludes not simply that values intuitively seem right, but they actually have been revealed to him by some non-human agent or force.

Introjection. A third response: "My values are right, because they are the values of the society I live in; and I believe in them, because this is what I have been taught; other societies may have different values, but each society trains the young to support it's own set." This assumes a deliberate attempt at social learning by members of the society who, through child rearing, inculcate the society's priorities. What makes the value "correct" is the fact that the society believes in it and has taught it to the child who has absorbed it into his own thinking.

Moral Reasoning. Finally, we consider the answer: "The values I hold are right, because I have tested their validity by reasoning and discussion;" "value committments are entitled to legitimacy only to the extent that they have been arrived at through critical rational examination and argument." This position suggests that, although one might begin with intuitive feelings, revealed insights, and a bundle of social learnings, none of these sources is sufficient to establish the worth or truth of a value choice. Only through a process of moral reasoning can one build a case that a given value is right or good.

Intuition, revelation, and introjection, while they contribute substance to a moral debate, cannot alone serve as ultimate sources. Why? Because they each tend to close off debate or reflection. If one relies only upon intuition, revelation or introjection, there is nothing left for him to do except follow the dictates of his mind, God or society. Though he may engage in extensive argument over what these sources really say to man, his only obligation is to obey commands issuing from sources beyond his control. We find two problems with this premise. 1) History has shown that people have differing and conflicting intuitions and revelations, that societies teach different values. If people merely follow lessons or values from these sources, they have no method for resolving conflicts among the differing values that present themselves. Additional direction must be sought. 2) To accept intuition, revelation or society's rules without debate is to deny man the opportunity of making choices of his own. We feel, however, that the essence of morality, and possibly even of humanity itself, lies in man's autonomy for conscious deliberation about one's values and obligations. One might infer from this position that we are committed to the value that people have moral obligations to try to resolve social conflict and that it is immoral not to deliberate rationally in making the requisite moral choices. Having arrived at this very position through the process of moral reasoning (rather than intuition, revelation or introjection), we would not, however, hold that these conclusions are the only possible fruits of such reasoning. Rational and moral people may disagree.

Underlying Issues in Moral Reasoning

When discussants engage in moral reasoning to justify principles or values they espouse they will not necessarily reach agreement on moral issues or questions of human responsibility. Some of the recurring and unresolved issues arising in moral discussion are outlined below.

Universalism vs Relativism

Two people are discussing whether it was morally right for the Romans to persecute the Christians.

Joe: No, it was definitely wrong. People are entitled to worship as they please, as long as they do not interfere with others. Even though the Christians might have been causing some trouble, the Romans had no right to treat them so brutally with such violence.

Pete: Well, you and I happen to believe in religious freedom, but it's obvious that the Romans didn't share this value. The Romans thought Christians a danger to their empire. Who are we to tell the Romans that they should respect Christianity? People in those days just believed in different values, so persecution was morally right from the Roman point of view.

Joe: I don't care who does the persecuting or when and where it happens. Persecuting a person for his religious belief is just wrong.

Pete: I don't think you have any right to tell other people what they should believe in. Each person or culture is entitled to hold whatever values they want.

Joe and Pete appear to be deadlocked over whether they should generalize a committment to a particular value (religious freedom) to a group that obviously placed lower priority upon it. The issue is whether we have a moral right to apply our values universally to judgments of others. Instead perhaps we should try to learn what values the other group holds (or held) and then judge that group on its own terms - did it fulfill the values it held as important? If we adopt the universalist approach, we sometimes feel a bit guilty for "imposing our values on others." Evidently certain values we believe in - individual freedom or toleration - tell us not to judge others, except by their own standards. Yet, if we adopt a completely relativist position, we should not allow ourselves to make any moral judgments except with regard to our own actions. This would lead to such statements as, "If the Nazis thought it was right to exterminate the Jews, then it was right for them; if my neighbor believes it is right to kill her child, then it is right for him. In neither case should I interfere, because that would be imposing my values on someone else."

Most people are neither extreme universalists nor extreme relativists. That is, although Joe seems to believe it is always wrong to persecute people on the basis of religion, we could ask him if he felt that all peoples should allow a man only one wife, and he would probably agree that the value of monogamy should not be applied universally. Thus he will not impose some of his values on others. Similarly, although Pete says the Romans had a right to persecute the Christians, because they valued empire more than religion, we doubt whether he would support extermination of the Jews or his neighbor's murdering of innocent children. Thus while he seems to allow people considerable autonomy, some of his values he would apply more universally. Discussion of moral issues could be clarified if - - after a person makes a glib statement suggesting either the universalist or relativist approach, - - he is challenged to specify the extent of his committment to either orientation. Without an analogy to test the range of a person's orientation, a discussion like the above could easily become deadlocked with Joe repeating: "Religious persecution is wrong;" and Pete answering, "It may be wrong for us, but it was right for the Romans."

Consistent Principles and Situational Judgment.

Another dimension of the universalist - relativist issue is illustrated in the following conversation.

Dick: I think the patriots had a right to revolt against England, because the British were denying them basic rights of self government and equal economic opportunity; plus the fact that the patriots had tried to plead their cause peacefully, but Britain wouldn't respond.

Jane: Well, if that's your main reason, then you would probably support the violent rebellion of the Negroes in Detroit last summer. Even if they had the right to vote, they don't really have self government or equal economic opportunity, and their many peaceful protests haven't gotten results.

Dick: No. The two situations are completely different, and it's silly to try to make my reasons for justifying the American revolution apply to modern problems of the Negro. The issues are so different, you can't even use the same reasons or principles.

Jane: Well, you can't just say each situation is new. You must have some general reasons and be consistent. If judges on courts acted that way, always saying each situation is completely new, then the law would change with every case, and we would never be able to predict what law or principle we should follow.

Dick and Jane disagree on the importance or necessity of basing one's moral judgments on general principles applied consistently over several cases.

Extreme situationists (or antinomians) would claim that general rules simply becloud and confuse our thinking, preventing us from openly examining each situation on its merit. For example, as medicine develops artificial kidneys, hearts, etc., these are scarce and expensive, not available to everyone who needs them. A doctor or official who decides which patients shall have the devices is essentially deciding that some people will live and others die. Do we call him a murderer? Do Commandments in the Bible or principles of common law, or constitutions of states help us make this new type of moral choice? We could argue that since our tradition of principles and laws grew out of such completely different situations, they are essentially irrelevant for present and future moral choices. Taken to its extreme, this position would advocate eradicating from memory principles of justice and morality that have been invoked in the past, so that each situation could be decided anew. The situationist approach warns us not to think about guerilla war in Vietnam in terms of an analogy to Nazi aggression as in Munich, or to think about results of international nuclear war in terms of the victory and defeat dimensions of days of "conventional" weapons, and in these examples one might conclude applying rules of principles used to govern past behavior not only confuses new situations, but leads to erroneous conclusions.

Yet, there are important reasons for not abandoning the search for consistent application of general principles. It is impossible to eradicate from memory principles used to justify action whether we like it or not, principles of justice seem to remain in our nervous system. The question becomes, how should such principles be used? We could also argue that many situations do not differ with regard to the most relevant or salient aspect of moral choice - both the American revolution and Negro rebellion concern themselves with basic human rights, and the problem of how best to attain them. Making explicit such commonalities among issues helps to clarify the issue over which people disagree. The act of comparing situations and testing whether principles of the past can be applied consistently does not necessarily make one a slave to accepting past principles. On the contrary, the activity of comparing and distinguishing among situations is a stimulus for rejecting some principles as irrelevant, qualifying others as not sufficiently complete to deal with the new situation, and accepting others as adequate for certain situations, however "old" the rules or principles might be. We would agree with Jane that to abandon a concern for principles and consistency would lessen the chances for stability and predictability in law and social mores, without which a society could not hold together. Finally, our commitment to rationality, by definition, inevitably leads us to be concerned with consistency and general principles, but it also commits us to the making of qualifications and fine distinctions which may have the effect of totally rejecting many of the "general principles" to which the situationist claims we are slaves.

Intrinsic vs Pragmatic Reasoning

Another general problem of moral reasoning centers on whether a given act should be judged right or wrong on the basis of its bringing good or evil consequences, or whether, regardless of consequences the act itself is intrinsically moral (or immoral). The former position, called the pragmatic (or teological) approach is illustrated by : "It is wrong to steal, because if everyone acted as if it were right to steal, then the stability of family and society would be threatened. No one would feel secure; people could not accumulate fortunes or build identity, because one could never claim anything as truly his own." The pragmatic approach looks for consequences of actions, then makes a judgment about the goodness or badness of such results, and this conclusion determines the rightness or wrongness of the original act.

By way of contrast, consider a situation where the servant of a wealthy family frequently steals food, alcoholic beverages, and other items of abundance. While it might be difficult to demonstrate this sort of theft to have serious or evil consequences, such thievery would commonly be called "wrong," simply because the act itself in any situation may be considered evil or immoral. This is the "intrinsic" argument. Although one might point to desirable effects of killing, stealing, lying, exploiting, etc., some people believe something in the nature of the act, makes them essentially wrong. Similarly some rules are considered to be inherently moral; for example, the golden rule or a commandment such as "honor thy father and mother," or a commitment to abide by majority rule even if you're part of a dissenting minority. Finally, although one might judge the effects of a particular act to be bad, one might conclude the act to be morally right, because the person had moral intentions or motives. Cases of misjudgment or accident are illustrative: a military commander sincerely trying to save lives mistakenly orders the bombing of a civilian village instead of a munitions factory; a good samaritan applying first aid causes additional injury; a teacher trying in earnest "to do what's best for the child" humiliates him in front of the class. A concern for motivation and intention is thus another dimension of the tendency to judge the morality of an act, not merely on the basis of effects or consequences of acts, but also with regard to something intrinsic or internal to the act.

Pete and Mike are arguing about whether it is morally right to burn one's draft-card as a way of protesting against the Vietnam war.

Pete: There's no point in doing it, because look at the effect it would have. You'd turn a lot of people against you. You might be convicted, and if so, you would be prohibited from holding public jobs for the rest of your life, thus you really couldn't persuade anyone to stop the war. Plus, it's a bad influence on the young who, from your lesson, will learn disrespect for the law.

Mike: Even though it may have bad effects, or possibly even defeat some of my purposes, there are some things you have to do, just because they are right. I feel that I must protest and make a sacrifice. To be silent on this issue or to work through the normal channels of an evil system is simply immoral. I must take a stand, regardless of the consequences.

Pete, concerned mainly with the effects or consequences of the action, is really operating on a different philosophical level from Mike, who bases his morality in the intrinsic nature of an act (one might argue that Mike is really concerned with effects on his conscience, and thus a pragmatist, but this could be held true of all moral reasoning; we assume pragmatists are concerned primarily with the realities of the social world, not mainly inner states of conscience).

Each of the orientations presents problems. The intrinsic approach presents difficulties in building a case or giving additional reasons to justify attributing inherent moral worth to some acts or rules and denying this to others. It is also quite difficult to discover the actual motivation behind particular acts.

The pragmatist, on the other hand, must be able to show some causal connection between the acts in question and the consequences he predicts, and this can lead into controversial factual claims. In addition, the pragmatist needs a method for ascribing positive or negative value to the consequences he foresees (e.g. on what grounds should he assume that teaching the young to disrespect the law is bad, evil or undesirable?).

Though we see no way of resolving or eliminating the kind of disagreement that might result from these two frameworks, it would be a considerable accomplishment if discussants could recognize points at which this type of issue lies at the base of their disagreements. Recognition and explicit statement of the nature of their moral dilemma may lead them to modify their positions, possibly to agree that they disagree at this fundamental level, or even, perhaps to dismiss this level of disagreement as irrelevant to the basic question they are considering.

Free Will and Determinism

A two-year old child, in a moment of anger , pushes her six month old sister down the stairs, and the infant dies.

A Hippie, while under the influence of drugs, knifes a boy friend.

A professional gangster plans and carries out the murder of a rival.

Should all three be held morally responsible for their acts? The most common answers are that the child is not morally responsible, the gangster is, and the hippie is probably the most questionable case of the three. An obvious distinction between the child case and the ganster case is knowledge of the difference between right and wrong. Since the child is assumed unable to distinguish between right and wrong, and since he is viewed more as a creature of impulse rather than rational choice and self control, we excuse him from moral responsibility. Not so, however, with the gangster who deliberately planned and carried out his actions under his own free will, fully aware of right and wrong alternatives. What about the hippie? Did she freely choose to do wrong or was her behavior really out of her own control? One might argue that she could be expected to know the dangers of drug taking, and that her conscious choice to take drugs was essentially a free choice. Or one might object that perhaps even the decision to take drugs was determined by other circumstances over which she had no control: the way her parents raised her, hostile influences in the environment, etc. If we accept a deterministic conclusion, it seems less justifiable to attach moral blame or responsibility. Those who excuse Adolph Eichmann from responsibility for the execution of innocent Jews claim that he had no choice, was compelled to follow the orders of his superiors. Once we assume the ability and opportunity to make a free choice, then moral responsibility is readily assigned: Those who believe jobless urban Negroes to be morally responsible for their plight argue that they actually have a choice and they have chosen to be indolent and poor rather than to work.

Advocates of extreme determinism pose serious threats to the concept of moral judgment. A religious theory of predestination claiming that God long ago determined the course of our actions, or does so currently day-by-day; a historical theory that claims some inevitable design in which all actions are governed by precedent causes; a psychoanalytic theory which says that human behavior is the result of unconscious forces arising from early childhood - such frameworks tend to imply that man cannot freely choose or self-determine his actions. If moral judgment involves the ability to choose, then extreme determinism denies the possibility of morality itself.

Meanings of Determinism

Debates over the extent to which Eichmann or an urban Negro could freely choose his actions illustrate various meanings of the claim "he had no choice." Fatalism, the most extreme sense of determinism, holds that men have no power to influence events voluntarily, because the course of history is controlled by forces beyond individual control, whether through some transcental design, or randomly. Accepting this sense of determinism makes it logically quite difficult to hold anyone morally responsible for his actions. Causation is a more limited sense of determinism, suggesting only that some events actually bring about other events, or the events we observe have occurred only as a result of other events. To say this does not necessarily imply that all events are unavoidable or that man has no choice in shaping events as he wishes. Debates on public policy illustrate that one can believe both in causation and free choice: Military leaders assume that if the U.S. withdraws from Vietnam, this will cause communist agressors to take over Southeast Asia. We are still free however to decide whether we wish to defend Southeast Asia by fighting in Vietnam, or to withdraw from that commitment.

The more extreme determinist will argue that our decision on Vietnam is not as free as it seems to be, because our very thoughts on the matter have been caused or determined by much previous experience over which we had no control: the history of foreign affairs of various powers which gave birth to both the current situation and our own ways of thinking about it. One problem with this position is the difficulty of demonstrating causal relationships between previous events and current options or ways of thinking. While historians and psychologists often seem to believe in direct causation, human behavior seems sufficiently complex so that most claims of causality have not been proven conclusively. We may discover regularities in experience that allow us to make predictions; for example, that people who smoke have a much higher cancer and coronary rate than non-smokers. Still the major causes of heart disease and cancer might involve certain styles of life, personality problems, environmental conditions that lead to smoking. We are hard pressed to demonstrate direct causes of war, prejudice, political success or poverty, even though we may have discovered impressive statistical regularities among events. Until we can identify with certainty direct causes of human thoughts and actions, we have not proven that the thoughts and actions are determined apart from individual choice. Thus it seems unjustified to extend a general belief in causation to a broad determinism that leaves no room for self-initiated choice.

This is not to say that all human actions are the result of conscious, willful and autonomous choice. We can point to situations where persons clearly lack control of their destiny because of involuntary psychological and biological forces. The angered child, an adult who suddenly goes beserk, a prisoner coerced into taking truth serum, a drug that unpredictably stimulates aggressive behavior, people with abnormal sexual appetites and physical disabilities - all of these reduce the amount of rational voluntary choice and tend to determine or control a person's behavior without his consent. Few would argue that people whose behavior is caused by such forces should be held morally responsible or punished for their actions.

Coercion is another sense in which behavior may be "caused". Sophisticated anarchists have argued that laws essentially coerce us to behave in certain ways, thus denying us the choice to decide what behaviors are moral er right. Since Eichmann was coerced -- (he could be shot for disobeying his orders) he had no choice. Still it was possible for Eichmann to debate with himself the question of whether it is morally correct to obey his superiors or defy them and sacrifice his life for innocent Jews. Coercion could be defined, not as the abolition of free choice, but simply as a situation in which one must make great personal sacrifice to follow what many would consider the most moral alternative. Though Eichmann might have to pay a serious personal penalty, nevertheless he was still free to decide the moral question.

The Eichmann situation illustrates those in which moral argument could become interminably deadlocked on the free will - determinism issue. One might escape this problem with the position: "You can assume that Eichmann had voluntary choice or you can assume that he had no choice, but in either case, we could still argue that it is moral to attribute responsibility to him." Why? Because holding a person morally responsible means essentially that he deserves praise or blame, and the activity of ascribing praise or blame is morally correct. Ascribing praise or blame serves desirable social goals: creating conscience necessary for social cohesion, deterrence of crime, providing a mechanism for settling disputes. Deciding on moral responsibility is, intrinsically, a moral activity. Through arguments like these, one can momentarily dismiss the free will - determinism issue, by showing that in either case, it is good to bestow praise or blame, to think about the question of who deserves responsibility. To be sure, there can be arguments against the morality of ascribing responsibility; e.g. it creates false pride and destructive guilt feelings, or that a man has no moral right to pass judgment on another's actions. The point is that the free will issue can be held in abeyance if one examines the morality of ascribing responsibility.

The importance of the free will determinism question is also challenged by those who point out an apparent contradiction. One assumes that what one voluntarily chooses to do can be meaningful only if it has some actual effect on the environment. But once we assume that our actions will have an effect, this means that our own actions will determine or limit the range of choice available to others and ourselves in future situations. Thus to accept free will entails our accepting a form of determinism. By pointing out this paradox, along with the many complexities mentioned above, we have tried to indicate that deciding whether a person is morally responsible is not simply the problem of deciding whether his action was voluntary or determined. In addition to the problems of resolving this issue, one would want to consider motivations (whether the act was intentional, with malice, involving negligence or honest mistakes); circumstances that might qualify or modify prima facie duties (e.g. killing in self-defense); moral values that might compete in a particular situation (e.g. one's duty to obey the law versus one's right to self expression).

Dilemmas of Moral Responsibility Most Relevant to Public Issues

The three general issues discussed in the previous section are relevant to the broadest questions of moral responsibility. In this section we identify moral dilemmas particularly salient to issues of public policy.

A. Range and Extent of Personal Obligations

How far beyond immediate self-interest should one's obligations extend? More specifically, 1) Which of my obligations should properly be the concern of the state or community at large and which should be strictly private? 2) How far beyond immediate personal and family obligations do I have responsibilities to people in other communities? 3) How far backwards or forwards in time do I have responsibility for the actions and welfare of others? We shall deal with each of these separately.

1. Privacy vs Jurisdiction of the State. The state has legislated obligations in several areas which some individuals have protested are none of the state's business: prohibitions or restrictions on obtaining or using contraceptives, pre or extra marital intercourse, inter-racial intercourse, establishing standards for child-rearing - - not only health, safety, and child neglect laws, but also compulsory schooling; systems of surveillance such as searches, electronic eavesdropping, subpoena of personal documents used in law enforcement; censorship of films and literature; zoning regulations that determine physical specification for one's home, and even laws that make suicide illegal. Yet we all find evidence, somewhat paradoxical, that the state has set up mechanisms to prevent the state from interferring with rights of privacy: the right against self-incrimination, and laws which limit persons from trespassing or eavesdropping. In general the rhetoric of democracy values individual autonomy and privacy, challenging the state to justify whatever obligations it creates for individuals. (Imagine, for example, the reaction to legislation that limited the number of children that each family could have, or that prohibited individuals from insulting one another.) Burdens or infringements on the individual's right to determine his obligations privately can be justified only by showing such infringements to be necessary to the well-being of the community. This argument creates at least three problems: first, deciding what we mean by community welfare or well-being; second deciding what group of people

constitutes the community; and third, arguing the factual problem of whether establishing obligations to the state will actually prevent the kind of harm that may be feared. In arguing about the legitimate concerns of state with regard to personal morality, the definition of the boundaries of that "community" to which the individual is most obligated is continually problemmatic.

2. Radius of Individual Responsibility to Different Communities. If a wife suspects her husband of cheating on income tax returns, does she have a moral obligation to report this to the federal government? Sould a taxpayer in the suburb of a metropolitan area pay higher taxes so as to improve education for disadvantaged youth in the inner city ghetto? Should Americans make financial sacrifices to help diseased and hungry people in India, in distant parts of the United States, in their own town, or neighborhood, or family, and which group deserves highest priority? Should an atomic scientist contribute his skills toward the development of more powerful defense systems for his own country or toward disarmament proposals for the sake of world peace? Should Negores direct their energies and loyalties primarily to the cause of equality for black people in general, rather than individual economic success or the military defense of the U.S.? To what extent should a labor leader place the interests of his union above "national interest"? Each of these questions involves conflicts among persons' obligations, because of the fact that humans have obligations to several different communities whose goals and interests may conflict with one another. The problem is to decide which communities deserve the most immediate or important allegiance, and which involve more distant and secondary obligations if they come in conflict with primary ones.

A number of different principles or criteria have been used to define the communities to which one has obligations. 1) The family is often considered most immediate and important by virtue of the genetic "blood" relationship among its members (except for husband and wife - and adopted children - whose obligations to each other are based more upon voluntary devotion and love). A concern for heredity is also extended to the larger racial, national, and religious group, as is evident in those who place their obligations to fellow Catholics, Jews, Negroes or Italians above their sense of obligation to the city in which they all may live. 2) The city, state or nation creates political jurisdictional communities whose boundaries usually encompass several different blood communities imposing standard obligations on all, such as taxpaying, law obedience, voting, military service, etc. 3) Other communities are voluntary associations or organizations that create obligations on members who may belong to various "blood" or political-legal communities: professional associations, labor unions, political parties, social clubs, institutions of employment. The United States is especially known for an abundance of voluntary associations dealing with topics and causes as varied as collection of antique buttons, preventing cruelty to animals, controlling world population, or promoting the sport of sky-diving. 4) Geographical proximity is used as a criterion for determining and limiting one's obligations, the assumption being that one has more clearcut obligations "closest to home", or, if away from home, to people in his most immediate vicinity: we have a greater obligation to aid our next-door neighbor in distress than a distressed person on the far side of town.

We might imagine the ultimate distress situation, with more than one person in danger of losing his life. We then might ask whom is it our obligation to help. All of the above criteria might be considered in addition to such other principles as familiarity and friendship, and the relative worth or value of the victims (e.g. because of his youth, intelligence, skills or ideology). People will argue about whether any or all of these criteria should be used. Usually, however, the argument fails to identify these considerations explicitly as alternative criteria. Some might argue that the radius of one's obligations should extend, without preference, to all members of the human race, or that the type of problem is more important in determining obligations than the boundaries of one's community (e.g. eliminating disease and starvation in India is a problem that deserves higher priority than putting one's son through college, regardless of what communities we live in or who our relatives are).

3. Obligations across Generations. This problem is parallel to defining boundaries of communities, but it deals with obligations and responsibilities through time, rather than across space. At the root of the problem are philosophical differences over the extent to which a present or future generation should suffer from the sins or mistakes of a previous generation. A white southerner can argue that he should not have to make concessions or self sacrifice to help the Negro simply because of the injustice done by his ancestral slave holders. A social worker will argue for heavy commitment, of public funds to educate disadvantaged children, on the ground that they should not have to suffer because their parents were unable to provide a decent home-life and education. Both arguments seem to assume that children should not be made to "pay" for the errors of their parents. On the other hand, we find the biblical view that it is just for the sins of the father to be handed down to his offspring or the view that Germans can never be forgiven for the cruelties of the Nazi generation. The view that children deserve to inherit the wealth of their father is perhaps a more positive way of saying that it is just for children to reap their parents' harvest (whether it be one of reward or punishment).

A businessman who accumulates a large estate and trust fund for the future enjoyment of his children, at some sacrifice to the parents' enjoyment of their own life, illustrates a sense of obligation to future generations. The same person, however, may refuse to make a financial sacrifice for the causes of clean air, clean water or world peace, claiming these to be too long range, with no apparent pay-off to his immediate interests. Though he sees some obligation to his immediate blood relations, the welfare of the larger community is beyond his moral duty. This implies a position that future generations should reap the consequences of or take responsibility for solving problems that previous generations created: that the white southerner will have to pay for the legacy of slavery, because we could not expect the ancestors to dedicate themselves completely to social justice of the future.

Still it is widely assumed that the nation must make a commitment to youth and future generations. Meeting the needs of the elderly takes low priority compared to investments in youth, whether in the fields of education, consumer goods, medicine, or recreation. The moral obligation to save the life of the young before that of the aged is commonly taken for granted, but this too can be open to question as one weighs the relative ease with which new youth can be reproduced versus the loss of wisdom accumulated through human experience which is lost to the world forever when the elderly pass away.

B. Collective Responsibility.

We can ask questions about responsibility and obligations of groups, rather than of individuals as discussed in the previous section. Corporations, armies, government bureaucracies, and whole societies and nations have been "blamed" for social problems through a type of moral reasoning that absolves individual people from responsibility by claiming that "systems," far transcending individuals, are the basic cause of particular problems.

The System and the Individual. Who should be held responsible for Nazi extermination of the Jews; for the plight of the Negro in the U.S.; for the nuclear annihilation of thousands of Japanese; for starving masses in India; for monotonous and uncreative television programming in the U.S.; or for the "rape" of our natural environment. If by "who" we imply that certain guilty individuals must be found, our witch hunt, for any one of these problems,would probably turn up thousands, and we would not be able to identify any obvious leader or organizer of the masses of people implicated in each crime.

The plight of the Negro, for example, could be blamed on original slaveholders (or even farther back, African chiefs who betrayed their own people), on genetic inferiority, on an economic system that requires skilled labor, upon the forces of technology that created not only the cotton gin, but also the industrial urban environment to which rural people must adjust; or upon the white man's unresolved problems of sexual identity. No obvious villian emerges, and were we to apprehend all people seemingly bearing some responsibility, this would be a cast of millions, most of whom could deny any conscious or deliberate motives of discrimination or persecution. Well-intentioned individuals could dismiss their role in this problem through such statements as: "I can't hire untrained people." "If the cotton isn't picked I'd go broke." "Allowing them into our schools would cause violence and riots." "Selling them real estate would just depress property values." "What would my friends think if I tried to help them." "Don't protest too hard or you're likely to get in trouble with the boss and the landlord." Responsibility can be ascribed to various systems: an economic system that requires competition and increasingly skilled labor; a political system in which minorities are at a disadvantage; a religious system placing heavy emphasis on self-help, with only lip service to love and charity; a social-psychological system in which humans need to feel superior status.

Our familiar approach to morality assigns blame only when the connection between an individual and some immoral action is reasonably clear and direct. In situations mentioned above, however, discrete actions of individuals are not by themselves clearly immoral: a bureaucrat who simply takes inventory of a poisonois gas supply; a homeowner who merely wants to maximize his profit when selling his house; a Negro who fails to protest, because he wants to keep his job; a professor working at a university that accepts government contracts for development of biological warfare. Yet thousands of apparently harmless individual actions can be combined and related to each other in such a way as to produce social catastrophy. When this happens, we have no one to blame, but the general system or society at large. Yet this is somewhat artificial, because societies and systems to not have consciences; only individuals do. Although a corporation is considered a "person" for legal purposes, it remains an abstraction without a conscience. While stockholders may have individual consciences to direct corporate policy, limited financial liability serves in effect also as moral insulation from cumulative evil done by the corporation. Whatever evil the corporation does (e.g. racial discrimination, manufacture of lethal products, unsafe autos or drugs,) can be seen as a result of many forces (consumers, managers, government policy, competitors) also immune from personal culpability.

Edmund Cahn (1961) addresses himself to the problem of collective responsibility, claiming, "the new predicament of democratic man is his moral involvement in the misdeeds of government." Cahn argues that citizens have collective responsibility to try to prevent such misdeeds, to see that reparations and compensation are made for victims, and to protest the wrongdoings when they occur. Individuals can be held responsible not only for committing immoral acts, but for authorizing, inciting, assisting, or ratifying their occurrence.

Earlier we noted that individuals can be relieved of moral responsibility when they commit undesirable or prima facie immoral acts if the acts resulted from psychological or physiological forces beyond the individual's control, or perhaps if the individual were coerced. In observing the problem of collective responsibility, we note another general criterion for exempting individuals from moral responsibility; that is, when the individual act by itself is not immoral, but when combined with a multitude of other acts it adds up to a cumulative evil in which case the "system" seems to be the main cause. As pointed out, however, we apparently do not have a morality appropriate for effective control of impersonal abstractions such as corporations, governments, bureaucracy, the church, technology.

Systems' Acceptance of Moral Rhetoric. What makes the problem particularly confusing is that spokesmen for systems or for large groups of people do in fact invoke moral values as justifications for or critiques of a systems' existence. Governments speak of their nation's responsibilities to spur economic development, end discrimination or prevent international conflict. Corporations proclaim their responsibility to enrich culture and provide community service. Schools announce their responsibility for education of youth and passing on a cultural heritage. Bureaucracies are charged with responsibility for stopping crime, ensuring health standards, or preserving natural resources. Political parties endorse candidates and policy platforms. When large groups or collectives fail to live up to certain moral standards, they can be condemned and scolded, as in the guilt clause directed against Germany at the end of World War I or the U.S. government criticisms of Red China. On what basis does it make sense to praise or blame collectives? And what moral burden must individuals who belong to the collectives assume, especially when it is difficult to incriminate an individual merely on the basis of membership or deeds that seem insignificant and unrelated to some cumulative evil.

C. Action vs Inaction.

The classic illustration of the moral issue surrounding the consequences of an individual's relationship to a collective is the person who fails to protest or resist what he considers immoral policy by a group to which he belongs. Bureaucrats in Nazi Germany; "Uncle Tom's" in the South; union members aware of corruption in their union; soldiers who agree to fight although they consider the war morally wrong. The argument is made that those who fail to speak out or act against a particular policy, by their silence implicitly support such policy. Thus, such "consenting" individuals can be held morally responsible for actions of the collective to which they belong.

The more obvious example of how inaction can be judged morally is the by-stander who fails to give aid to the victim of a crime or accident. Inaction or silence is assumed to represent a chosen way of dealing with (or answer to) a moral problem, which in some cases may be the right moral solution (e.g. refusing to betray personal confidences to irresponsible news reporters). Before we condemn a person for inaction or silence, however, we should be certain that the person did choose this alternative. It is possible that one's silence or inaction merely represents ignorance that a given problem exists, and once informed of the situation that person would then consciously choose a response. The suggestion that we should not blame people for uninformed or non-choices, may seem reasonable, but it creates additional problems. One might condemn Mr. Jones, an affluent upper-middle class white suburbanite for failure to speak out for renewal and equality in urban ghettoes. Yet we may find that Jones has a way of life that essentially isolates him from the real impact of slum life. We might suggest that Jones consult newspapers and TV to become familiar with the problem, but suppose this information is so foreign to Jones that he actually cannot see any real problem. At what point do we say that Jones is no longer "ignorant" but has actually chosen not to take responsibility for the problem?

D. Redressing Wrongs.

If it becomes established that some moral wrong has been done, it is assumed that something should be done to correct or rectify the situation. We can distinguish four basic approaches to redressing wrongs.

1. Retribution. Punishment of the transgressor, or having him suffer in a way"equal" to his wrongdoing is the retributive approach. Connoted by "an eye for an eye, tooth for a tooth," it symbolizes reciprocal harm done to the offender. Although criminals are subjected to less extreme forms of punishment in modern times, the idea that wrongdoers should be made to suffer remains. Its justification is grounded either in a theory of revenge or one of deterrence.

2. Rehabilitation. This approach emphasizes constructively educating, treating, or in some way changing the transgressor so that in the future he will no longer commit moral wrongs. The approach has been tried with criminals, delinquent children, and even warlike nations (who in defeat have been given economic and political assistance so they could become self-sufficient and democratic, instead of undeveloped, aggresive or dictatorial). Punishment might be justified as one way of teaching criminals to reform themselves, thus it might also be claimed as a rehabilitative technique.

3. Compensation. While the previous two approaches focus primarily on the wrongdoer, this approach stresses the victim, and the need to pay the victim for his losses. Whether in the form of damages in a civil law suit, an injunction requiring one company to abstain from producing something patented by another, deciding the custody of children of divorced couples, or levying fines in criminal cases to help indigent victims, compensation attempts to redress a grievance by meeting the victim's needs.

4. Condemnation. It is customary for groups to censure delinquent members, for nations publicly to condemn each other for violation of treaties, aggression or exploitation, for teachers to scold pupils. One might infer that speaking out against a given action (by labeling it wrong) helps to correct it, or at least the wrong would be far more serious if it went unnoticed. Although one might believe that scolding a wrongdoer in effect serves to punish or even rehabilitate him in some ways, it would be hard to make this case persuasive. Using moral language to evaluate an act may have important consequences for the conscience of the speaker but may have little or no effect in redressing wrongs.

12. EQUALITY

I Different Concepts

That all men are created equal, entitled to equal opportunity and treatment is cited not only as the cornerstone of democracy, but even the basis of justice and morality itself (e.g., Scriven, 1966). Negroes protest against discrimination in the purchase of a home, finding a job or access to quality education. A Jew or Muslim feels the state, through federal aid to education, gives special advantage to "Christian" religions. Students demand more of an equal voice in the administration of college, equal voting rights for younger age groups. Laborers demand an equal say with management. The poor claim the right to medical care and legal service, equal to that available to the wealthy. A parent protests that the school fails to provide education equal to his child's abilities. Children claim equal shares in their parents' estate. Women charge that, when applying for certain jobs, they are not judged on the basis of ability or merit, but on irrelevant criteria such as sex or appearance. Politicians demand equal time on TV. Opponents of exemptions from military service claim that all citizens have an equal obligation to serve their country. Members of some minority groups (e.g. homosexuals, artists, the Amish) and various individuals object that the society will not allow them to live and grow according to life styles that deviate from common standards. There seems to be at least three distinguishable senses in which we use the term "equality." A) Availability of Resources. This interpretation focuses on "necessities of life" such as income, food, shelter, medical care, legal protection and due process, and education. Most of public debate concerns itself with this level, usually under the presumption that it is possible to measure or assess the extent to which people have equal access to such goods and services. B) Dignity and Respect. Though it may be hard to imagine ways in which public policy might guarantee a psychological sense of dignity and self-respect to each individual, a familiar moral claim states that all individuals are equally entitled to such respect from their fellowmen. The encouragement of courtesy, kindness, friendliness, common human decency, and following the "golden rule" can be seen as attempts to inculcate this aspect of equality. It is also argued, of course, that equal self-respect cannot be attained unless equal access to resources is guaranteed. C) Creative Development. Stressing the importance of individual freedom to grow, develop and live according to one's unique interests and abilities, this dimension is concerned primarily with removing arbitrary constraints or limitations. It assumes that all men should be equally free to develop themselves according to personal standards, ambitions and tastes. Public policy in this regard implies equal rights to be let alone, to have one's privacy protected from intrusion by society, a laissez faire attitude that encourages freedom of personal choice.

The three general interpretations of equality are related: one might need resources to attain creative development and both may be necessary before one considers himself worthy of resources or capable of developing one's potential. Although the three concepts seem logically inextricable, distinguishing among them allows us to observe different approaches to public policy aimed at achieving equality. In some areas public policies take positive action to provide specific goods and services (e.g., medical care, education, counsel for the indigent); in others, the government remains almost completely detached, leaving the development of attitudes to private personal interaction (e.g., the absence of laws requiring courtesy or prohibiting insults and humiliation); and finally, in certain contexts the government may act to encourage unique development (e.g. protection and even support of religious minorities; tax exemptions for cultural institutions; scholarships and special programs for talented students).

Equal vs. Identical: Human Nature and Treatment

The general mandate that individuals deserve to be treated equally has often been traced back or derived from descriptive statements about inherent qualities or characteristics of all men. But since most agree that men are not equal with regard to physical and biological endowment, nor skills, talents and tastes, the claim that all men are created equal is not intended to mean that all men are identical in all respects. Yet many have claimed that in certain respects men are universally alike, if not identical, e.g. in the possession of a soul; the capacity to reason; the potential for being virtuous; the tendency to feel pain; to desire affection; to make moral judgments; the wish to be judged by one's moral worth, rather than by superficial considerations of status; or the desire to exert control over one's destiny.

One might continue the argument as to the actual nature of man, asking in what respects, if any, all men are identical. Yet this will not necessarily solve the problems of either a) defining what is meant by equal treatment; or b) justifying why equal treatment is right. We might discover that men are in fact identical with regard to certain characteristics, but whether these establish the need for equal treatment is quite another philosophical issue. Whether equal treatment is a valid moral principle is a question that involves most of the issues discussed in the chapter on morality. In this chapter we will accept the moral value of the concept and point out complexities in applying it.

Assuming for the moment that all men are entitled to equal treatment* and equal opportunity, we must realize that this is not necessarily a mandate for identical treatment. We do not believe that all men should receive the same income, have the same clothes, raise their children the same way, believe in the same religion, work at identical jobs, read the same books, or have the same opportunity to make love to a given woman. On the contrary, to believe in universally identical treatment would contradict that sense of equality which emphasizes opportunity to develop individual differences. On the other hand, there are some areas in which equality might well mean identical treatment: two persons convicted of the same crime in similar circumstances should be given identical punishment; each person's vote in an election should receive identical value in the tallying; auto safety standards should be identically enforced with different manufacturers (as should safety and health standards for other products); a doctor or hospital should give identical treatment to people with the same symptoms and illnesses; income tax rates should be identical for different individuals with the same income and dependents; the price of a given quantity of goods in a given store should be identical for all customers.

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* Benn and Peters (1959) suggest impartiality as the central concept in morality and justice. For them equal treatment is closely related, if not synonymous, when interpreted as a mandate to treat all men alike in those respects in which they are alike and to give different treatment only in response to "relevant" differences among men or their conditions. The challenge, of course, is to ascertain under what conditions a given difference among men should be considered "relevant" enough to warrant different treatment.

Though equal treatment may entail identical treatment, a more complicated concept of equality specifically advocates differential treatment in order to achieve equality; the wealthy are taxed at a higher rate than the poor; people who commit the same crime are treated differently on the basis of motivation and circumstances; students of low ability receive styles of instruction different from high ability students. The justification of unequal or non-identical treatment in the name of equality has several ramifications in public issues.

II Justifying Unequal Treatment

According to Stone (1965, p. 334), "Our choice is not between equal treatment and the making of distinctions; it is between making (or tolerating) distinctions which we can justify, and making (or tolerating) distinctions which we cannot justify."

One can justify unequal treatment in two ways. A) We can claim that the action which creates inequality does not infringe on those rights which are publicly guaranteed to all men (inalienable rights); for example, refusing a stranger admittance to a private social gathering. B) We can show that differentiated or unequal treatment in one sense leads to greater equality in another more important area; for example, the graduated income tax that places a heavier financial burden on the wealthy.

A. Discrimination Allegedly Irrelevant to Basic Equality

There are several bases on which certain privileges or opportunities are given to some people, and denied to others. Yet, for many of these it would be difficult to charge that the constitutional or public sense of equal opportunity had been violated. A Broadway director denies the lead role to an auditioner who, he says, can't act. A university denies employment to a prospective professor, because they feel his research is inferior. A suburbanite complains that he can't afford two cars and a trip to Europe like many of his friends. Some teenage girls refuse to invite those from the other side of town to a party. Women are prohibited from membership in a private hunting and fishing club. Immigrants must pass a literacy test and residence qualifications before they are admitted to U.S. citizenship. A private school admits only those who can afford a yearly tuition of $3500. A defeated candidate for mayor protests that his party will not have an equal vote in the city's government.

To help explain why we would not generally feel outraged at these instances of inequality or denial of opportunity, we can observe different ways in which access to goods or privileges may be limited (Williams, 1962). A) Some positions, goods, experiences, etc. are limited by their nature. An inherent characteristic of a lead role in a play is its singularity; the mayor of a city is by definition only one person; a unique experience (e.g. calling plays in football, listening to a concert, raising a child) by its nature occurs only once in a given time or place. Thus, certain opportunities cannot be universally available

B) Other experiences are contingently limited; while they may not be intrinsically available to only a few people, certain qualifications or skills are requisite to their enjoyment or performance. Whether a person is entitled to behave as a doctor, engineer, architect, scientist, baseball player, film editor, printer, plumber, or comedian depends largely upon whether he can demonstrate necessary competencies. The right to drive a car , operate a restaurant, attend college, or vote is also contingent upon one's meeting certain qualifications and following specified procedures. Those privileges or opportunities limited by contingent qualifications present two major problems: first, it is often the case that opportunities to acquire the needed skills are limited (e.g. poor people trying to gain necessary education); and second, whether or not a given requirement is relevant to the desired opportunity can become a major issue of public debate (e.g. at what age is a person old enough to vote). One might construe the historical attempts to gain equality as protests against the relevancy of specific qualifications considered contingent to specific opportunities. Below we deal in more detail with the problem of choosing relevant contingencies or criteria for limiting opportunity.

"Legitimate" Bases of Privilege or the Denial of Equality

Humans consciously prescribe qualifications, conditions, or criteria that essentially grant goods, services or opportunities to some people and deny them to others. Many of these criteria are considered legitimate, and some are more controversial than others, depending upon the context in which discrimination occurs. Below are some of the more "respectable" or commonly accepted bases on which unequal treatment is justified.

Age: School attendance, military service, voting, driving a car, purchase of alcoholic beverages, right to hold public office, right to work, type of criminal prosecution, social security benefits, etc. are all determined to some extent by age.

Birth: The right of children to inherit the fortunes of parents leads to considerable inequality; yet is widely considered a legitimate basis of privilege. Similarly the parent by virtue of having given birth to a child retains certain rights over the child that are not equally available either to the child himself or to other adults.

Income: As mentioned earlier, the possession of money is considered a valid way for differentiating between those who are entitled to a large amount of goods and services, versus those who should do without them.

Competence: The right to have a particular job (TV repairman or surgeon) and the right to engage in certain activities (e.g. voting, driving a car) depends to some extent on the demonstration of particular skills, such as literacy, mechanical dexterity, verbal fluency, physical strength, etc. Those who have demonstrated achievement in some areas, e.g. business or politics or the arts, are given substantial responsibility, status and/or money and this is considered a just form of inequality.

Religious, Political and Social Belief: In recognizing the right of a minister or priest to deny his services to heretics, the right of the state to deny certain rights to those who refuse oaths of loyalty, the right of organizations to deny membership to those who refuse to subscribe to certain beliefs, we allow ideology in certain cases to be a criterion for privilege.

Obedience to the Law: Those with a criminal record are presumed unworthy of opportunities such as holding public offices, or, in some cases serving on boards of corporations in the states; the more serious violators may be deported or imprisoned for life.

Physical Attributes: One's physique, sex or general appearance might exclude him from certain jobs (airline hostess; lumberjack; priest or rabbi; midwife; fashion model; locker room attendant); schools (those accepting only one sex); and social gatherings (men's and ladies' clubs). While recent legislation aims toward more equal treatment of the sexes, several areas of discrimination based on sex or appearance are still accepted.

Much of the history of public controversy in America involves the attempt to abolish the use of some criteria as bases for denying equality in given situations; for example, race, religion, national origin, political ideology cannot be used as grounds for excluding people from running for public office, or partaking of public services. Although the right to vote may be contingent on certain tests or qualifications (age, literacy and residency), it cannot be denied on the basis of income, sex or family. While a person cannot be excluded from a restaurant because of his race, he may be excluded because of discourteous behavior or slovenly appearance. Though in theory people of all ages are equally entitled to medical care, a doctor who, when forced to make a choice, chooses to save the life of a child instead of an aged cripple, would probably not be criticized for basing this necessary discrimination on age. While the egalitarian tradition is known for its effort to eliminate certain bases for inequality, it is apparent that denial of privileges in several areas can still be justified in terms of criteria such as those mentioned above. Why some criteria are more acceptable than others is the basic issue to be argued. The fact that certain kinds of discrimination are considered irrelevant to those rights in which all men are equal is one way in which unequal treatment is justified. Inequality can also be justified by the position that some kinds of discrimination are necessary to achieve equality.

C) A third way in which opportunities may be limited is simply *scarcity*, a situation in which there are not enough goods, services or experience to go around. Because of a scarcity of Cadillacs, good colleges, lawyers or lobsters all people cannot equally obtain them, and a system of rationing develops, usually based on money. Whether money is an appropriate or relevant criterion for distributing scarce items is often a controversial question: The Supreme Court says, for example, that even though lawyers are scarce, accused criminals are entitled to them even if they can't afford the fees. Evidently some scarce items (e.g. lawyers, doctors, or education) are considered more relevant to equality for all than others (e.g. color TV, trips to Europe or auto mechanics).

D) Finally, we recognize limitations on opportunities that arise from *personal choices* considered to be *private matters* and thus out of the realm of public rights; for example, choices regarding one's friends and social companions, business and professional associates, or works of art. This realm of choices, where discrimination and selection seems legitimate, is necessary to realize that aspect of equality which emphasizes everyone's equal right to self-fulfillment; that is, if everyone were coerced into giving equal consideration to all women in the choise of a spouse, all models in the choice of a car, all humans in the choice of friends, all occupations in the choice of career, etc., he could not exercise the kinds of individual preferences that presumably make him a unique individual. The exact boundaries of the legitimate realm of personal discrimination, however, can also become hotly debated public issues; for example, does the woman who runs a "private" boarding house have the right to exclude travelers on the basis of race; should a businessman refuse to hire someone on the basis of religious or ethnic prejudice? We can argue over which decisions are merely a matter of private personal choice or whether they involve certain public obligations.

B. Discrimination Intended to Achieve Equity

The doctor mentioned above could justify his action by saying, "The elderly person had already lived a long life; in order to give the child an equal chance, I had to save its life." There are several other situations where unequal treatment can be justified in the name of equality. Programs in compensatory education for disadvantaged youth can spend many times the amount per child spent in suburban public schools. This unequal distribution of resources is justified by claiming it is necessary to give the disadvantaged an equal start in life so they will be able to compete with those children from affluent families, who, because of childhood and pre-school enriched environments, are educationally far ahead of the ghetto children. Welfare payments to the ill, unemployed, women with no means of support may also be seen as unequal resources given to those whose condition or plight puts them in an inferior position relative to the larger population.

Benefits to GI's which give preferential educational, financial, and medical benefits are justified by referring to the unusual risks, and amount of time which GI's have sacrificed for the country, while the general population lives in luxury and proceeds on the normal pace of economic mobility. To even the score, GI's deserve special treatment. The graduated income tax forces the wealthy to pay a higher percentage of its income to the government, yet the objective is equality. If the percentage were equal for all income groups, the poor would have to bear a relatively greater burden; graduating the tax distributes the relative burden more equally. Non-profit charitable organizations receive the special privilege of tax exemption, on the assumption that such organizations are financially disadvantaged, that the "good" they do for society is of considerable value (like GI's), and to give them an equal chance to hire talent and perform services, it is necessary to relieve them of burdens of taxation. Motorists with no-accident records are given lower auto-insurance rates than the accident-prone on the ground that one should pay an amount equivalent to the risk he brings to the company. Differentiated rates result in each motorist bearing a burden equal to others, relative to the financial burden each is likely to bring to the company.

As the last example suggests, the notion of equivalence or proportionality is crucial in the justification of otherwise apparently unequal treatment. When we see teachers giving different lessons to different students, such unequal treatment is justified on the ground that to treat people equally, it is necessary to privide what is appropriate for, equivalent to or proportionate to one's needs, abilities, burdens, etc. Examples from criminal justice are instructive. Different persons commit the same deed, let us say killing a human being, but are punished differently. The child would be treated more leniently than the adult; the premeditated murder would receive harsher punishment than an accidental death or killing in self-defense. The reasoning behind such differentiated treatment is that all of the defendants are not equally responsible for the victim's death. Only if an equal sense of responsibility could be ascribed to each would they deserve equal treatment. Otherwise one's punishment should be proportionate to the nature of the crime and the amount of responsibility of the defendant.

A less obvious area for the aspect of equality that stresses proportionality is price determination. We would rightfully object if someone proposed that the prices of all goods and services be equal per unit; that is, a pound of bread costing the same as a pound of steak; or the price of a Volkswagen being the same as the price of a Jaguar. Why? Because we assume that consumer price should be proportionate or equivalent to cost. Paying the same for everything would impose unfair economic burdens on the consumer, wage earner, businessman, etc. To achieve equity, the price must bear some equivalence with the actual cost or worth of the product, and since worth varies, then to be truly "equal", prices must vary. Justifying unidentical treatment in the name of equality becomes the essence of equity.

III Problems in Attaining Equality

A. Assessing the Extent to Which Equality is Achieved

Having illustrated differing concepts of equality, and pointed out two general ways in which inequality can be justified, we may now consider additional issues involved in working toward or attaining equality. First is the problem of deciding what particular sense of the concept is meant. For purposes of this discussion we shall assume equality of opportunity and equal treatment, or equal access to resources and services as a pre-requisite for the more general senses of creative individual development or human dignity. How can we measure or assess the extent to which this goal is achieved?

First we must specify some standard or baseline against which various opportunities and treatment can be compared. We might compare two general metaphors as different approaches to defining a standard. Hofstadter (1957) talks about "running a race" in which the objective is to make sure that all people have a fair chance in competing with others; they should all be equal at the "starting line" of life, and whatever inequalities that develop during the race would be the result of natural endowments such as imagination, energy, intelligence, virtue, but not due to environmental advantages that favor some people over others. He contrasts the race metaphor with that of the garden. In the garden, people do not compete with one another along a single dimension or racetrack. Instead, each person (flower) has unique aspirations and needs, largely unrelated to competition for a single goal, as in the race, where there can be only one or a few winners. The obligation of the garden is to provide the varying resources (lightness, darkness, type of soil, water, temperature) required by each to blossom to its fullest. The race suggests harsh competition for scarce rewards in which all people seek the same outcome, while the garden emphasizes diversity in goals and needs, and insulation rather than competition between the aspirations of various participants. Although the metaphors clarify different conceptions of the baseline for equal opportunity, they do not necessarily solve the problem of assessment.

The garden concept, however, suggests a more complicated "standard". If we use the race notion, then at least we have a common starting line for all which might consist of specific resources and services; for example, nutritious diet, opportunity for training, shelter and clothing, medical treatment, development of competitive attitude to seek the desired goal, etc. In the garden, by contrast, each individual seeks different goals, by definition has different needs, and therefore there is no starting line common to all. With no common standard, it is more difficult to compare the extent to which each person is treated equally, because each would be treated differently, and the individual would be the main judge as to whether his needs are fulfilled. Discussions on the measurement of equality can benefit from comparison of these two metaphors.

For the moment, let us assume we can stipulate certain needs or conditions required by the individual (whether in a race or garden). What standard should we use to determine that one person's opportunities or treatment in each of these areas is equal to another's? Take legal service as an example. The Supreme Court ruled that in criminal cases all indigents must be provided with counsel, but does this really give equal treatment? The state has investigating and legal resources far superior to those of the defense, and in civil proceedings, the wealthy plaintiff or defendant can secure more competent legal help. Similarly in the field of medicine, where the wealthy family can afford the most prestigeous doctors, hospital and nursing care; while the poor person often endures inferior, impersonal and inefficient clinical care. While everyone is said to have an equal voice in government (one man one vote), those with money, the time to participate, personal connections with people in high office, have more opportunity to influence policy than, for example, an average blue collar worker. Can equality of educational opportunity be achieved simply by guaranteeing to each child the right to attend public school from age 6 to 18; or should there also be some guarantee of equal achievement in basic skills, equal exposure to certain ideas, equal opportunity to be taught by dedicated and imaginative teachers? Finally, does an equal right to shelter involve only protection from elements of weather, or should it also involve equal rights to fresh air, space, privacy within one's home? Much disagreement on public issues concerns setting the baseline or standard of equality against which opportunity and treatment should be measured.

Once a baseline is established, it is often difficult to measure the extent to which equality is achieved. Even if we agree that adversaries in court should be entitled to lawyers of equal competence, we would have a hard time determining whether any two lawyers have "equal" skills. The same problem applies when we speak of providing equally competent teachers or doctors. Assuming that a person should not be discriminated against on the basis of race in looking for a job, how can we tell whether a personnel director in his own mind has not allowed race to enter his judgment--or whether coaches, college admissions officers, bank officials, and landlords treat people in an equal and unbiased manner? Although some blatant cases of discrimination can be documented objectively, more subtle forms of unequal treatment are hard to detect. Difficulties in assessing the competence of professionals and in detecting the extent to which discrimination occurs in applications for jobs, schooling or loans illustrate the general problem of measuring human behavior quantitatively. Suppose, for example, one accepts as a baseline for equality: "each person should have an equal sense or feeling of being able to control his individual destiny." To determine progress on this criterion requires advances in attitude and personality assessment far from our present state of knowledge in the behavioral sciences. Although such a criterion may seem far-fetched, too intangible and irrelevant to a person's access to material goods and services, it is central to that aspect of equalitarian ideology which emphasizes the equal feelings of self worth or dignity. Equal opportunity does not mean giving everyone equal resources automatically, but providing equal chances of success for those people who "try". Assuming that a person will not "try" unless he feels some sense of control over the environment, the committment to equality then entails an attempt to create a sense of control, and this involves psychological, not just tangible material objectives, with all the attendant problems of psychological intervention and measurement.

B. Scarcity

Apart from the problem of assessing the extent to which equality exists, the fact of scarcity of resources and opportunities stands in the way of achieving the general goal. There are relatively few competent doctors, lawyers; few outstanding schools and colleges (and those can educate only a small proportion of those who aspire to them); few acres of unspoiled countryside for healthy living; the costs of good theatre, interesting travel, or running for political office, limits such opportunities to most of the population; relatively few people can afford to spend much time off the job or away from the children doing things they would otherwise consider more useful or interesting compared to routine compulsory activities; and for a significant segment of the U.S. and most of the world, the basic necessities of food, clothing and shelter are scarce indeed.

One could claim that scarcity does not necessarily imply a denial of equality. Although there might be only one quart of water for 200 people stranded in the desert, conceivably they could divide the quart into 200 equal parts and achieve equality in spite of scarcity. All would perish, but equality would have been achieved. Similarly, the scarce goods, services and opportunities mentioned above might be equally distributed, yet such action would be opposed for at least two reasons: First, one might contend that the concept of social equality does _not_ emphasize the negative sense that all people have equal rights to mediocre, deprived or inferior conditions resulting from wide distribution of scarce things. Instead, it looks mainly to the more positive, upward mobile, affluent implication in which it is assumed that equality of opportunity is relevant primarily to the question of _improving_ one's lot - distributing abundance more justly. Second, people contend that only under certain conditions is it legitimate to infringe on the freedom of persons, nations, corporations, etc. by coercing them to give up possessions or render services to spread scarce resources more equally. This latter point brings us to a third general problem in the attainment of equality.

C. Conflict between Equality vs. Freedom and Diversity

In prohibiting a company from racial or ethnic discrimination in hiring, in requiring an individual to pay tax money used to help those less affluent, in denying special funds and privileges to friends of public officials, in forcing a community to accept racially integrated schools and transportation, in banning news media from courtroom or jury deliberation, and in requiring all children to attend school--all of these policies designed to promote equality tend to infringe on the liberty of persons, corporations and communities. Such constraints restrict the extent to which any given person or group may exercise free choice; they define certain areas of public obligation to equality, prohibiting actions that deny equal treatment or opportunity to others.

If our concept of equality is influenced by the metaphor of the race, then we would advocate public restrictions or constraints so as to establish equal opportunity for all competitors at the start. Once the race begins, however, equal opportunity entails a laissez-faire posture that clearly allows some contestants to win and others to lose. Such equal freedom to compete (as in the history of free enterprise in the U.S.) results in vast inequalities of condition among competitors. Contradictions between policies aimed toward equal opportunity at the starting line and equal freedom during the race are difficult to resolve.

There is the possibility that enforced equality will lead to conformity and a homogeneous culture. To the extent that "equal" becomes interpreted as "identical," then opportunities for equal housing, education, culture, recreation, religious expression, etc. could result in sameness, standardization, lack of diversity that we already find in many areas: subdivisions with thousands of identical houses; hundreds of similar TV programs; standardized curriculum in schools; routine and identical 9 to 5 jobs; and considerable homogeneity in style of life for given populations (e.g. suburbanites). The spectre of a 1984 or Brave New World suggests a standardized society of interchangeable parts where although everyone may be equal, opportunities for variation and unique individual development have vanished. This conflict can be viewed not merely as a contest between equality and individuality, but also as a contradiction between two different senses of equality itself: that sense which emphasizes objective goods, services and resources; versus the sense that stresses equal chances for creative individual development.

D. Determining Responsibility for Inequality

A fourth general obstacle to attaining equality is the problem of locating the sources of inequality or discrimination in a complex, interdependent society and then assigning responsibility to proper sources for correcting the injustice. Focusing on the plight of the Negro, the most obvious example of the equality problem, we are constantly reminded by whites that they have never intentionally done anything to discriminate against Negroes. In northern cities it is hard to find laws that can be directly blamed for the condition of ghettoes. The businessman claims he has nothing against Negroes, yet he cannot hire them, because they do not have sufficient education. The teacher claims he cannot give a respectable education to kids who come from broken families, with little opportunity to concentrate and study, poor housing and diet. Loans for the breadwinner are difficult to obtain, not because of race, but simply because the unemployed Negro with few skills doesn't have sufficient credit. The landlord says he has nothing against Negroes; his building is run down because they don't respect his property, and he can't get enough money in rents to cover expenses (insurance and taxes) for remodeling. There seems to be no dominant source that causes the general situation, although some will assert the main cause to be the Negro's basic laziness and delinquency. Apart from this latter view, the unequal position of the Negro can be seen as the resultant of a number of interdependent forces, all part of a complex social system, with no single villain.

It is important to note the reluctance of people to share the burden for correcting inequality when they honestly feel they had nothing to do with causing or creating the problem. In the absence of observable individual discriminatory acts, or *de jure* inequality, responsibility is hard to ascribe both because of ambiguity in viewing the situation as a result of a total system, and also the perennial controversy over whether a person's unequal condition is due primarily to his own inferior endowments or environmental inequities over which he had no control. The problem can be clarified by trying to ascertain whether a given inequality seems to be *de jure*, *de facto*, consciously intended, a product of differing natural abilities, actually desired by the victims (e.g. missionaries who choose to live in less developed societies), or a resultant of a complex system of forces.

It has been suggested (Plamenatz, 1957) that equality in the sense of traditional libertarian 17th and 18th century thought is virtually impossible within a technologically advanced industrial society. In a simple, non-industrial society, one finds considerably less differentiation among roles and opportunities. Few options are available for differing occupations or styles of life, and the necessity of meeting basic material needs renders most people equally dependent upon eadh other. Thus there are relatively few status differentials or organizational hierarchies in which privileged people exercise authority and power over others. The industrial society, however, depends upon an organizational hierarchy, specialization and division of labor. This creates a multitude of unequal power relationships and a universe of differing opportunities so extensive that a given person cannot even be equally aware of all the options, let alone given an equal chance to engage in them all. The technological society in offering wider variety, seems to lend more potential to the idea of individual creative development, but it seems to decrease the possibility for equality in the sense of people sharing power equally, or being able to give equal consideration to life's diverse options. The traditional society, while lacking diversity and numerous opportunities, allowed men at least to perceive common and stable baselines against which equality could be judged; style of life was more equal in the sense of being identical; and, since power rested in smaller family or local units, perhaps it was shared more equally among citizens than is possible in a bureaucratic, industrial system. These generalizations remain open to historical and sociological investigation, but they help to stimulate concern for more careful definition of equality within a modern post-industrial environment.

13. WELFARE-SECURITY

Is it right to kill civilian women and children with napalm or nuclear weapons? Should the police use tear gas and rifles to disperse a crowd? Should a man be forced into military service against his conscience? Should people be forced to pay taxes for medicare and social security, or forced to go to school against their will? Should an employer be able to gather information about an employee's private life? Should the government be able to withhold information from the news media? Should the state be able to remove a child from the home of neglectful parents. Though answers to such questions would be meaningless without reference to more specific contexts, these issues illustrate types of situations in which personal or group welfare and security becomes an important value in justifying a controversial policy. In the name of national security, we may justify acts of violence against "enemies," and restrictions of freedom within our country. In the name of social welfare, we may force people to give up their property or force children to go to school. In the name of personal security and welfare, we may prohibit the police from gathering evidence on crime, prohibit public exposure of personal information, or condone the use of violence in self-defense. Thus, the value of welfare-security* can be used to justify the rejection of peaceful non-violent techniques and infringements on several personal freedoms (privacy, vocational and educational choice, free enterprise, free speech, etc.). The appeal to welfare-security takes many forms, but the most familiar lies in the context of national or group (as opposed to individual) welfare-security.

National Welfare-Secutiry

A. Frame of Reference

One of the first problems in controversies over welfare-security is establishing whose welfare is to be preserved or improved. Should an individual risk his personal security for the security of his nation? Is the peace and security of the world as a whole more important than the interests of individuals or nations? Do some individuals or groups deserve more welfare-security than others (compare for example, the President of the U.S. with a small-town "average citizen" or the government of Red China versus the government of the United States). The issue can be boiled down to questions of allegiance and loyalty: whose welfare-security is one most obligated to defend when there seems to be a conflict between the demands of different groups or individuals? Construed in this way the problem involves issues and complexities discussed in the chapter on morality-responsibility, i.e. defining one's moral obligations within social groups.

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*We have joined the concepts, because in discussions of public issues, they tend to be used interchangeably and share common referents. Welfare is perhaps the more general value, connoting such diverse elements as physical safety, medical health, economic prosperity, cultural opportunity or peace of mind. Security usually implies territorial or bodily defense and also safety against economic hardship, but as will be shown below, security can be broadened to include protection for everything that one has or one wants, all of which might be seen as parts of welfare. We hope to clarify several alternative meanings and issues which the hyphenated value suggests.

Those who emphasize national welfare-security as the highest priority have argued that conflict between various reference groups is illusory. They assert that the security of individuals, the security of other nations, and in fact the peace and security of the world cannot be achieved without the security of the United States - the security of all is, therefore, consistent with U.S. national security. In discussing the validity of such an argument, one might ask not only whether this seems true in terms of the facts of military power and politics today, but also whether alternative concepts of security are hypothetically possible; for example, several people evidently feel greater allegiance to the world at large than to any particular nation. Although the centralized nation state seems to have monopolized the focus on welfare-security in the twentieth century, to what extent might a decline of nationalism affect the meaning of this value? Will individual persons ever be punished for threatening world security? Perhaps in the long run issues of international military conflict will disappear, and the major issues of welfare-security will relate to individual alienation, the breaking up of families, the transiency of occupations, or conflict between the older and younger generations. In any case, choices must be made regarding what type of welfare-security is at stake.

Even if we accept the emphasis on national power and international relations that dominates thinking about welfare-security today, we may ask another frame-of-reference question: In deliberations on welfare-security that involve international or inter-group conflict, is it appropriate to apply standards of morality that would normally be applied in interpersonal relations among individuals? Or is the character of relations among large collectives sufficiently different to call for a different type of "morality." For example, according to conventional morality it is held that in some situations it would be morally right for an individual to sacrifice his life for the welfare of others. Yet should we ever expect a nation willingly to sacrifice its own survival for the welfare of another? Apparently not. Intelligent observers seem to agree that nations should and will place national survival among all other values. In another vein it might be observed that we have a way to apply or enforce traditional morality to individuals: they may be subjected to the judgment of a court or taught in such a way so that internal consciences regulate their behavior. But it is hard to imagine how this morality can be applied to a nation as a collective. Even if a nation is found "guilty" in an international court, the nation cannot be compelled to do certain things, for "nation" is a verbal abstraction without a sense of right and wrong; only individual people can be punished. But once a court takes this step, it is punishing individual people, not nations. These issues suggest difficulties when a nation uses the rhetoric of personal morality - for example, keeping promises or commitments, helping one's neighbor, teaching someone a lesson - to justify actions aimed toward the welfare and security of a collective. The contrast between important aspects of personal morality and international relations should become clearer as we discuss more specific aspects or requisites of national security.

B. Requisites of National Security

When people justify policy by appealing to "national interest," "national security," or "general welfare," a number of more specific goals may be involved. Here we shall identify the more familiar ingredients or dimensions of the general objective. Our listing is not intended as an objectively accurate account of the requirements of national interest, but rather as a summary of what people generally tend to believe or argue the requisites are. Although the items are listed separately, they are interrelated and interdependent; for example, part of the idea of territorial integrity is that the home government is sovereign, and part of the idea of sovereignty is that the home government has complete control over a stable piece of real estate (territory).

1. Territorial Integrity It is generally assumed that a nation needs territory, land with definable boundaries that can be rightfully defended against foreign invasion. The home nation has the right to control the use of its land, and the entry and activity of citizens who "belong" to different lands (nations). Although it is assumed that a nation cannot exist without controlling land, there are examples of "nations" (or nationalities) that have survived, dispossessed of a stable geographic area (the Jews, American Indians, Algerians, etc.). While the issue of territorial integrity usually arises in the context of defense policy, offensive national expansion or imperialism has been justified on the basis of territorial needs: Hitler's effort to gain Liebensraum, British colonialism, United States in the Mexican War. Territory may be valued as "living space," providing economic resources, strategic military location, or necessary to a plan for world domination. The history of colonialism raises the crucial issue: What legitimately entitles a group (or person) to ownership of territory? Although some of the possible answers will be discussed in more detail in the chapter on property, here we can mention the alternative criteria of: length of occupation, contribution to "development" of the land, contract, sheer physical power, or need. To the extent that ownership of territory is defined in terms of political control or sovereignty, we must discuss the importance of this to national interest.

2. Sovereignty One of the most cherished rights in the liberal tradition is the right to self-government, to the political independence of a nation from other political authority. From the American revolution to the Vietnam conflict, the ideal of self-determination has been

continually affirmed (though not always supported in fact) as vital to a nation's welfare and security. Though many of the issues relevant to sovereignty are discussed in the chapter on consent, here we will consider problems most relevant to interpretations of national interest. A prevailing assumption is that a nation's interest or welfare cannot be secure unless that nation has complete and independent power to make policy on the issues it faces; conversely it's security is threatened if it must abide by the decisions of an external power or source of authority. Opposition to U.S. involvement in the United Nations or specific treaties with other nations has been based on the desire to retain complete autonomy or sovereignty over U.S. affairs; the fear that another nation or group will infringe upon national independence is a powerful deterrent to international cooperation.

One problem with the sovereignty argument is that a nation simply cannot isolate or insulate itself from outside influences in a world that is becoming increasingly interdependent. While a nation is not formally or constitutionally subordinate to any other, in fact it still cannot be its own master: technological, economic, political events and trends around the world will impinge upon it and influence its policy. A second problem with the sovereignty concept involves other conflicting values that can easily turn a nation into a hypocrite: the United States proclaims its own right to independence and sovereignty and even suggests that all nations are entitled to that right. Yet it intervenes in the affairs of others on a vast scale to protect American economic interests; sometimes it intervenes to support the self-determination of others (Vietnam) and at others it fails to help nations struggling for political independence (Hungary, Algeria). It is possible that while complete sovereignty of the U.S. may be required for its welfare and security, the complete sovereignty of other nations (e.g. Panama or Chica) may threaten U.S. welfare-security.

These problems suggest that although the concept of sovereignty or national autonomy may imply isolationism i.e., the right to be let alone, perhaps to exert actual control over one's national destiny it is necessary to attain enough power and hegemony to control world affairs. This interpretation may lead to greater interventionism, arms build-up, alliances, economic policies to decrease dependence of the home country on other nations, and other measures intended to gain international power and domination. It is often suggested that hegemony requires "prestige" and thus propaganda and other national policies are designed to preserve a good "image" aborad. (How would it look to other nations if the U.S. broke its treaty commitments?) Policies aimed toward increasing national power create controversies about whether this is a legitimate national goal, and also over the desirability of specific means toward that end: Does one "stop communism" in undeveloped lands mainly through demonstrations of military strength, economic aid, or what? Does one increase national power by working toward economic self-sufficiency or freer exchange and cooperation among all nations? Are certain restrictions on individual freedom (conscription, taxes, travel limitations) a legitimate price to pay for increased national power? And of course, the familiar method of questioning the value of national sovereignty itself: Would you rather be "red" or dead?

3. Economic Welfare A third requirement for national welfare-security is access to such economic factors as natural resources, labor, technology, capital and so on. Nations with advanced industrial economies (as opposed, for example, to traditional self-sufficient, subsistence farming) can make policies that, because of specialization and interdependence, have ramifications at many levels in the society. To keep a complex economic system working properly, it is allegedly necessary to achieve economic stability, yet also an appropriate rate of economic growth. Modern thinking also advocates a certain degree of "equity" in the distribution of wealth. Thus a number of national policies - wage and price guidelines, taxes, anti-trust legislation, tariffs, safety regulations and standards of effectiveness, collective bargaining laws, regulation of labor practices, educational programs to influence manpower allocation - all may be justified with reference to their contribution to the nation's economic welfare.

There are problems in assessing the economic health of a nation. Several criteria are possible: gross national product, per capita GNP, unemployment rate, per capita income, rates of increase or decrease on these variables, and statistics that describe the distribution of wealth, employment and the availability of services. While there seems to be considerable agreement on the utilitarian objective of "the greatest good for the greatest number," it is not at all clear that statistics such as those above can convey a valid indication of a nation's progress toward that goal. The classic suggestion that one man's economic benefit may be another's loss illustrates the difficulty of calculating net economic achievement for a group. Should national decisions always attempt to increase affluence, or are there some levels at which economic growth should be sacrificed for other values? For example, even though a society might become wealthy enough to create a welfare state in which only a small portion of the population had to work, and for only a short period of time, how desirable would this be? The nation might run the risk of growing affluent, lazy, complacent, uninventive and without perseverance to face hard times.

Assuming that it may be a long time before there is much opposition to the effort to decrease scarcity of all goods and services, we are confronted with the more immediate task of assigning priorities to the kinds of scarcity which are most in the national interest to relieve. Given limited resources and labor is it most in the national interest to produce guns and planes, tv dinners, snowmobiles, artificial hearts, birth control pills, improved teaching techniques, mini-skirts, low cost housing, or plays and symphonies. Even with modern systems analysis and "cost-benefit" calculations the choice of relative priorities remains highly controversial, because it ultimately involves value conflicts inherent in differing philosophies of social welfare. Such decisions illustrate the extent to which "economic" thinking can be broadened to include any social decision which can be construed as involving choices among "scarce" goods or services and the objective of "maximizing benefit while minimizing cost."

4. Internal Order Maintaining unity, consensus and rule of law within a nation is assumed to be crucial to national welfare-security. Thus, riots, high crime rates, unresolved labor disputes, civil disobedience, are often considered threats to the national interest. While most would agree that violent dissension poses serious threats to national welfare, this does not imply that national interest is increased in direct proportion to the amount of unquestioned unity and consensus. One might, for example, require all teachers in the nation to use the same textbook for a given subject and entertain from students only approved national opinions on controversial issues. We might reduce crime by giving the police power to conduct surprise searches and allowing widespread electronic surveillance. Nonconformists who disagree with national policy or ideology might be subjected to imprisonment, hard labor, or re-education. Such policies could be proposed as ways of increasing internal order, yet they would be opposed on the grounds A) that they might actually increase strife because of strong resistance to their implementation and B) even if they did produce greater consensus, the violation of personal freedoms (privacy, speech, etc.) is too high a price to pay for "unity."

In contrast to the emphasis on consensus another point of view holds that pluralism, diversity and the resulting controversy is more in the national interest than unity and consensus. The argument is that a group (or nation) cannot arrive at the "truth" or best decisions unless it has the opportunity seriously to consider all possible options or alternative approaches to a problem. To keep many options alive, it is necessary to encourage a free marketplace of ideas and opportunities for widely diverse social experiments. Disagreement and diversity are encouraged as crucial to the development of national welfare-security; consensus is criticized for the danger that it may stamp out inventive thought and bring an approach of unexamined complacency or undue reverence for the status quo.

The problem is not necessarily to choose between the pluralism framework and consensus framework, but to allow the frameworks to enlighten one's choices on specific issues of internal order: How should civil disobedience be handled (draft resistance, strikes of public employees, prohibited demonstrations and boycotts)? What alternative styles of life are permissible (the Amish, hippie communities, Black Muslim communities), which includes the question of uniform standards for sex practices, child rearing and family organization, censorship of obscenity? In what ways may deviant political opinions be expressed and implemented (controls on extremist groups of the right and left, use of federal troops to coerce local government, guarantees of minority representation in government)? Student attacks on conventional middle-class values and institutions tend to upset society, as do militant rebellions in the urban ghetto, but one must ask whether in spite of their immediate disturbance of internal order, they will contribute to national welfare-security in the long run.

Thus far we have assumed a frame of reference that places primary value on the welfare-security of a nation. Whether national welfare-security should be subordinate to other values (or the welfare-security of other units) is, of course, still an open question. The "requisites" discussed above also suggest an alternative moral frame of reference. Perhaps the code of morality among nations should not be seen in terms of traditional Judeo-Christian or western values of love, brotherhood, mercy, equality, honesty, etc. Instead we might judge national policy by the extent to which it achieves territorial integrity, sovereignty, economic welfare or internal order--criteria apparently more relevant to the actual functioning of nation states. Should nations be rewarded and punished in terms of the extent to which they fulfill these functions? Such questions raise the problem of applying the framework of traditional interpersonal morality to judgments about collectives or nations.

C. Two Broad Issues of National Welfare-Security

1. Competition and Cooperation A persisting dilemma in the effort to build national welfare-security is the extent to which a nation should become cooperatively involved with and dependent on other nations (or superordinate organizations) thereby giving up some of its sovereignty or unilateral right to control its own policy. Should the U.S. engage in open trade and travel with Red bloc countries? Should the UN intervene against South Africa's apartheid policy or America's nuclear build up? Arguments on the desirability and possibility of world government tend to polarize on the question of whether national security depends mainly on the ability of a nation to remain self-sufficient, and independent from the control of others.

Those who oppose the apparent (though possibly not real) loss of sovereignty inherent in greater international cooperation tend to argue that international affairs, like politics in general, is basically a struggle among competing self-interests in which the only rational strategy is for a nation to maintain enough power so that other nations may not hinder its pursuit of self-interest. The object is to gain resources in a world of scarcity, to win the allegiance of large populations, protect one's wealth and freedom from the attack of other nations seeking the same. The nature of the competition and rivalry is a zero-sum game, in which one nation cannot win without another losing. Though some nations may try to maintain their power by refusing to "play", through isolationism or neutrality, in fact it is impossible to remain immune from the effects of the battle.

To place national self-interest above the value of international cooperation is most rational according to the premises of such competition.

A story is told of five men in a state of nature who realize that they might improve their chances of killing a stag if they all hunted together. Midway through the hunt one man sees a rabbit, and takes up the chase, leaving the group, to assure himself of at least this food. If he had ignored the rabbit, perhaps one of the other men would have taken it, which would have left the rest of the group foodless, yet provided the individual with his needs. Assuming that each person can be expected to act in a purely self-interested way, it is rational to act that way. Thus, the U.S. refuses to disarm without strict international inspection, because it assumes it would not be to the self interest of its rivals to disarm if they could gain an advantage on the U. S.

One principle of survival in such a competitive situation is that one should not become involved in a situation where it is necessary to trust or depend on anyone but oneself. Opposition to free trade can be based on the fear of the U.S. becoming dependent on whims of the world market over which we have little control; similarly, the reluctance to submit international disputes to compulsory third party arbitration. The denial of U.N. membership to Red China is often construed as prudent refusal to take the risk of becoming subject to the enemy's influence. Yet, there are apparently several situations in which alliances and reciprocal agreements among nations are assumed to be in the national self-interest, e.g. NATO, nuclear test ban treaty, participation in UN, cases submitted to the World Court, etc. Even if one assumes the "competitive struggle" interpretation of international affairs, he may decide that for some issues, cooperation, involvement and foreign entanglement are more in the national interest (selfishly construed) than policies aimed at total self-sufficiency, isolation or domination. Thus, the paradoxical argument that a nation can increase its power and sovereignty by giving other nations a say or some influence in some of its affairs.

Although one might justify a policy aimed toward extensive international cooperation, mutual help and even world government simply by arguing this to be primarily in the greatest self-interest of one's nation (for example, because the human race is doomed to nuclear annihilation unless nationalism is abandoned), international cooperation can be valued over competitive nationalism for other reasons. Ethical positions that emphasize universal responsibility of love and mutual assistance, which derogate competitiveness, pride or hierarchies of power among people (or nations) tend to regard national welfare-security as of only minor importance. Instead the most relevant object of concern becomes "human beings" or the "world." The desire for international cooperation, peace and good will take priority over claims of national loyalty or welfare-security. The position may be rooted not only in the ideology of religious groups (Bai Hai, ethical culturists, Quakers, Christians), but also in "secular" philosophies of hippies or politicians. It presents an alternative to the power struggle or competitive orientation.

The competitive and cooperative frameworks are not mutually exclusive or dichotomous choices and we do not mean to imply that people are consistently committed to one or the other, nor that any given policy can be interpreted as implying only one of the two frameworks. Arguments over national welfare-security are often deadlocked, however, on conflicts over these frameworks. In a sense they reflect different notions of the nature of man, different explanations of human (and group) behavior. Competition can be identified with Hobbes' description of life as nasty, brutish and short, with Machiavelli's assumptions about political behavior, Calvinism, and with current political scientists' emphasis on power politics. The cooperative view implies the more optimistic outlook characteristic perhaps of Rousseau and the humanistic tradition that stresses man's innate goodness and perfectability.

Whether we are discussing the merits of social welfare legislation that gives money to the poor; the advantages of allowing Communists to take over an undeveloped country; the use of international troops to stop racial discrimination; or the desirability of unilateral disarmament, certain issues of human nature continue to arise. To what extent is man basically lazy, selfish, prone to violence or industrious, charitable and peaceful? What aspects of man's nature are unchangeable and what may be shaped by society? Answers to questions so generally phrased will probably influence positions on more specific issues: Can people be trusted to use their freedom wisely (self-determination for nations, personal freedoms of speech, property, political association, etc.) or should there be restrictions to guarantee desired behavior (strings attached to foreign aid or welfare payments, forceful intervention to stop racial injustice or subversive activity)? Can one person or nation trust another not to infringe on one's human rights (disarmament, invasion of privacy, cutthroat business practices, wars of self-determination vs. aggression)? When discussions begin to focus on questions of this sort, it is helpful to recognize competitive and cooperative conceptions and explanations of human nature, and to search for supporting evidence for one's claims and distinctions on the subject.

2. Loyalty and Treason Although issues of loyalty and treason usually arise in connection with the internal security of a nation, such problems as espionage, political asylum, immigration and travel extend questions of internal security to the realm of international conflict. We shall begin with controversies on internal security in the U.S., but also suggest how such issues have international ramifications.

Under the assumption that a nation should not be expected to tolerate acts that threaten its own survival, nations have punished or eliminated persons deemed guilty of treason, a crime allegedly different from other crimes in the sense that acts of treason pose a rather clear threat to the state's existence. A major problem has been to define the types of behavior most dangerous to the state's security.

Such phrases as "aid and comfort to the enemy," "clear and present danger," "advocacy of violent overthrow of government," have been suggested as bases for distinguishing between subversive or treasonous, as opposed to loyal, behavior. Yet application of such criteria remains controversial. Is a person who opposes U.S. policy in Vietnam giving aid and comfort to the enemy and if so, should he be denied the right of free speech? Is a labor leader who prolongs a strike in the transportation or communication industry creating clear and present dangers for the society? If a person belongs to a political party whose spokesmen advocate violence for a minority group deprived of equal opportunity, should he be judged a traitor.

There have been serious attempts to make such concepts more precise. For example, in the area of seditious speech, it is commonly argued that a person should not be punished for disloyal *beliefs*, but only *actions* or *advocacy*. It is also argued that criticism of specific government policy is within the realm of free speech; that people may try to change the leadership of the government through constitutional processes, and even amend the *Constitution* through the process it provides. But incitement or conspiracy to overthrow constitutional government by violence is not allowed as a free speech provision. Yet despite these distinctions marginal cases abound. A soldier with vehement objections to the foreign policy of his commander-in-chief may weaken the morale of his comrades to defend his country, and this might be a threat to national security although no conspiracy took place.

In recalling historical situations in which people have been punished not only for extreme acts of treason, but for "disloyalty", we find situations in which disagreement with or disobedience of specific regimes and policies *have* been considered threats to national security and treated harshly. Dictatorships, totalitarian regimes, revolutionary juntas tend to treat the slightest dissent as treason. It can be asked whether individuals should be loyal to individual regimes, to governmental structure and process, or to general ideals (equality, self-determination, etc.). The Nazi underground worker proclaims a loyalty to Weimar democracy and is executed for disloyalty to the Nazi regime. The Nazi army officer proclaims loyalty to his government and is sentenced to death by the Nuremberg court for disloyalty to the ideal of human rights. Even if one decides that universal ideals or moral values are the ultimate source of loyalty or allegience, one must still face the dilemma that ideals may conflict with each other in certain situations: the inalienable right to overthrow government may deny inalienable rights of freedom and property to innocent civilians; apparently both the North Vietnamese and Americans are fighting for the right of the Vietnamese people to self determination.

Some patriots object to any dissent or opposition to the status quo, making the familiar argument that the individual for his own and society's good must conform to the will of the group or regime currently responsible for law and order. This can lead to a philosophy of

consensus and homogeneity expressed not only as internal limitations on dissent, but immigration, trade and travel policies that try to protect a society from diversity. While this general argument is often a persuasive way of justifying limitations on eccentric displays of individual freedom, it does have at least two difficulties:
A) First, as pointed out earlier, one must decide which is the "group" or society most deserving of one's conformity - a nation, family, world or what? B) Second, one must define more concretely what is meant by the "good" of the group or individual, whether it involves non-violence, luxury, autonomy or other possible values.

If heretics may be deported from Puritan Massachusetts, French colonialists from Algeria, capitalists driven from Red China--all denounced as threats to the national welfare-security or "good" of their respective societies--are other societies obligated to receive them? If an American citizen refuses to vote, or to testify before a Congressional committee, or if he refuses to fight in the armed services, should he be deported or denied freedom. A more general way of framing the loyalty-treason question is: To what extent should one's claim to basic human rights and freedoms depend upon unswerving conformity to a regime's policies and the norms of the groups to which he belongs? If one agrees that nations are not morally entitled to handle their problems of loyalty as exclusively internal or "domestic" questions, then controversies on this subject will cross national boundaries and be debated from an international or universal point of view. U.S. draft dodgers who escape to Canada or seek political asylum in Sweden create interesting dilemmas not only for the U.S. government, but for the host country as well (e.g. what rights should refugees have as "aliens" in the foreign country?)

Our conception of major issues on internal security stresses the conflict between rights of the individual and the state's welfare-security, the assumption being that the personal welfare-security of individuals may not always be served by policies aimed toward protection of national security. In the following section we discuss issues of welfare-security from a personal or individual point of view.

Personal Welfare-Security

A. Definition and the Problem of a Standard

As in the case of national welfare-security, individual welfare-security has several components. A concern for the individual's physical health and safety is evident in public policies that provide police protection, standards of sanitation, emergency medical services, immunization, etc. An emphasis on one's right to a certain level of economic welfare is reflected in pension benefits, aid to dependent children, unemployment insurance, minimum wage laws, tax exemptions for dependents, etc. Various freedoms and immunities may also be included as critical to a person's welfare, such as privacy or security from public surveillance, the rights to due process of law, First Amendment freedoms of speech and religion. Finally, an emphasis on psychic security is asserted--"freedom from fear," or " a sense of worth" are commonly proclaimed personal needs. In a sense, psychic security may be the most general objective, encompassing other aspects as more specific "means" to the end. That is, unless a person is assured physical health and safety, economic necessities, basic freedoms and immunities, he will not feel safe, secure, dignified, etc. Recent observations on the discontent and "alienation" of youth of middle class adults suggest that attaining personal welfare-security is not simply a matter of meeting obvious material and economic needs. A home in the suburbs with a cottage at the lake is evidently not sufficient to make all people content or satisfied with their lives; on the contrary, in the midst of great affluence, personal insecurity, anxiety, despair abound.

What creates public controversy is the assumption that personal welfare-security is not merely a problem for individuals to solve privately as they wish, but that the society at large also has some responsibility to help persons attain welfare-security. In order to decide more precisely what the state's role is, one must not only distinguish between different aspects of welfare-security, but he must also make specific judgments about "how much", what degree or what level of personal security in its various forms should be guaranteed by the state. Should there be a minimum standard-of-living to which all people are equally entitled? What qualifications should a person meet before he is entitled to this standard: diligence and work competence, obedience to law, family planning, length of residence, etc.?

Arguments over the appropriate level of welfare-security often include distinctions between subsistence needs vs. luxuries and between material vs. psychic welfare. While these concepts may be useful for societies where lack of food, clothing and shelter frequently causes disease and death, one might ask whether they may become obsolete or irrelevant distinctions in a society in which material subsistence comes relatively easy for everyone.

Those who achieve what used to be considered basic needs of food, clothing and shelter continue to cry out for more: color television, boats, country homes. Is man's material appetite insatiable? Perhaps "poverty" should be measured not in terms of standard material baselines (e.g. $3,000 per year for a family of four), but as the discrepancy between one's actual attainment of goods and services and his aspirations or expectations of what he deserves.

Affluence may reach a point where it becomes necessary to define personal security primarily in psychic, rather than material terms. If personal security is equated with a healthy or secure personality, new and complex problems arise. What are the requisites for a sense of personal worth or "identity" in a post-industrial society? To what extent is psychic security dependent on complete predictability and certainty in one's life, or a lack of risks to one's well being? To guarantee highly stable psychic peace might bring tedium. To feel truly secure, man, paradoxically, may need the challenge of risks and problems. Perhaps he gains security only from a sense of having constantly battled against, and won often enough, severe tests of commitment, intelligence, ingenuity, etc. Whether one plans social policy to provide healthy tension and challenges or whether one tries to make life continually easier and free of challenge, depends on one's conception of psychological security.

It has been argued that the best sense of personal security is gained when one becomes materially self-sufficient, i.e. in a subsistence farming context where each man is totally responsible for his own (or his family's) material needs. The industrial technological society creates a system of specialized interdependence in which it is impossible for individuals to feel they can depend completely upon themselves. Whether one's sense of security is inevitably rooted in his ability to provide his own material needs, or whether that aspect is merely symptomatic of a need for a sense of power to control more generally one's personal destiny, the issue remains relevant to the modern concern with personal security-welfare.

B. Collective and Individual Responsibility for Personal Welfare-Security

Controversies over the state's role in personal welfare-security may involve situations where the state prohibits or limits actions of an individual or group on the ground that certain acts infringe upon the personal welfare-security of others. Laws against theft, trespass, forgery, kidnapping, assault, protect personal property and life. Constitutional prohibitions against self-incrimination, unreasonable search and seizure, cruel and unusual punishment, infringements on free speech or religion, along with regulations for industrial health and safety, anti-trust and fair business practices legislation, may all be seen as attempts to protect the individual's welfare-security from encroachment by other people or the state. Yet disputes continue to arise over which prohibitions are justified: Should cigarette manufacturing and sale be prohibited, if its harmful effects on health have been demonstrated? Should police be prohibited from using violence against uncooperative suspects? Should the government be prohibited from electronic surveillance of suspected deviants? Should more restrictions be placed on the sale and possession of firearms? Restrictions or prohibitions made in the name of increasing personal welfare-security of a certain class of people (cigarette smokers, suspects, deviants) often curtail the autonomy or even the welfare-security of the class of people who are the target of the restrictions (cigarette manufacturers, police, hunters and gun dealers). Such conflicts might be viewed as contests over whose welfare-security is more important.

A number of government policies can be construed as coercive infringements on personal freedom, justified because they contribute to social welfare-security. Is it right to force people to contribute to the social security system, to compel children to attend school, to conscript young men into the armed services, to commit people to mental institutions, to subpoena citizens to testify in court and to serve on jury duty, to compel the payment of taxes to support foreign aid, poverty and space programs, to take personal property for urban renewal and highway construction? Some such compulsory policies, although they infringe on personal freedom, allegedly enhance individual welfare-security; for example, schooling, hospitalization of the mentally ill, social security pensions. Other infringements on personal welfare-security are justified with reference to the good of the larger group, the assumption being that individual freedom must be sacrificed for this purpose. In the long run, so the argument goes, the benefit of the individual depends upon benefit of the society at large, thus taking a person's property for a highway, forcing him into the armed forces, or allowing police to search his home actually increases the individual's welfare-security, although in the short run it seems to be a threat.

Oppostion to welfare-state policies which protect and nourish the individual "from the cradle to the grave" need not be based on sentimental commitment to rugged individualism or traditional laissez-faire economics. Sensitive sociological or psychological analysis may suggest that public attention to certain personal needs is inherently detrimental to personality development or social structure. Apart from the standard claim that socialistic welfare programs tend to reduce initiative, we can also ask: Should the state concern itself with improving the quality of love, devotion and mutual understanding shared between man, wife and children? Assuming that certain child rearing practices are more likely than others to enhance feelings of self worth and psychic security, to what degree should the state control how parents relate to their children? Assuming that a sense of personal worth may also depend upon one's religious or spiritual orientation, his sense of ultimate goodness and the worthiness of his "soul," in what ways should the state intervene to facilitate this dimension of welfare-security? We may argue that certain types of decisions should be left in the control of the family, or church or voluntary social group, because their contribution to a sense of personal welfare-security inheres in the fact that they are not matters for public attention. Merely emphasizing the notion of personal security conveys by definition a qualitative difference and a concern for reserving certain areas of choice to individual, idiosyncratic, non-public, non-standardized processes.

The following problem may illustrate difficulties in defining the boundaries between individual and collective responsibility for personal welfare-security. It is argued that a person's sense of belonging to a family helps to create a sense of security, both through the love he receives and responsibilities he undertakes for others. A father amasses a fortune so that his children will have it better than he did. Yet the institution of inheritance brings gross inequality of opportunity for the children of poor parents, suffering for which the children cannot be held responsible. Yet, it is argued, that part of personal sense of worth for the father is the feeling of contributing to the future material security of one's offspring--to deprive children of their "birthrights" might also deprive the parents of a mission that gives their life meaning. Inheriting the family home or business may give a better sense of identity to the youth. But what about the welfare-security of the youth who inherit nothing? Is state interference justified to secure more economic equality? Problems of this sort will be discussed more extensively in the chapter on property.

Violence

Violence prevention and justification for violence are perhaps the most familiar and passionately argued issues related to welfare-security. Whether we are concerned with the security of a group such as a nation or the safety of an individual, we shall in some situations openly advocate the use of violence, even as a means of achieving peace or non-violence, and in other situations deplore its use as unjustified and inhumane. On what grounds do we make such differential, and apparently inconsistent judgments? Although public rhetoric suggests a prima facie duty always to exhaust "peaceful" means to solving a problem before using violence, history has shown that national interests and individual ones may be pursued in many cases only through a policy of deliberate violence. In this section we discuss justifications of collective and individual (or person-to-person) violence together, although it may be useful to distinguish between these types in specific controversies.

Approaches to the Justification of Violence

Assuming a prima facie duty to avoid violence, we have an obligation to justify its use. At least four general approaches can be used.

Self Defense That France was justified in using violence against Nazi Germany or the U. S. in attacking Japan is agreed. An innocent civilian attacked by a thief on the street has a right to use violence to subdue his assailant. There exists wide agreement on the principle that victims of unprovoked attacks may use violence to protect or defend themselves. The person or group who threatens the physical security of another can be considered an aggressor whose actions provoke justified violent retaliation. While cases like those mentioned above are easily decided, the principle of self-defense does not always provide clear guidance. There are considerable problems in deciding whether one's safety is threatened and whether a group or person should be classified as a provoker or aggressor. Is Hanoi committing aggression or are the Vietnamese fighting a civil war; if Russia escalated the arms race would this be sufficient provocation for the U. S. to start a preventive war? There is also the question of deciding on the degree or intensity of violence that is justified. (Should the U.S. have used the A-bomb on Japan; is it necessary for police to use night sticks against demonstrators?). Perhaps the major difficulty with the criterion of self-defense is in deciding what can be legitimately defended with violence. Presumably a nation could argue that Communism, Christianity or some other ideology presents a severe threat to its own values, and in order to defend a heritage, way of life, level of economic prosperity or colonial empire, it is necessary to wage preventive war in the name of self-defense.

Social Ideals The fact that people will fight not only to defend their bodies or property, but apparently also for many other reasons leads us to search for values, ideals or rights that have served as their own justification for violence. Earlier we mentioned the importance of sovereignty or self-determination as a national interest sought by violent means (American revolution, Algerian war). The ideal of equality also serves as a legitimate goal of revolution (French or Bolshevik revolutions, Negro rebellions in the U.S.). The need for economic resources has also been considered sufficient to justify violence in the form of slavery, colonialism, wars of expansion and revolutions of the dispossessed. Violence waged in the name of retributive justice or vengeance is used to justify punishment of individuals (capital punishment, Nuremberg trials) as well as nations (e.g., Versailles Treaty). While religious wars are less common in the modern world, religious ideology or political ideologies in general have served to justify violent conquest of heathens or deviants (crusades, execution of traitors or disbelievers). These ideals are not intended as exhaustive or mutually exclusive, but rather to illustrate different kinds of ideals, which as intangible ends have been frequently accepted as justifying violent means. Arguments over which of these ends should be pursued by violence, whether between individuals or nations, are some of the most heated concerns of public policy.

A classic dilemma for groups seeking these ideals is the extent to which they work peacefully within the status quo, e.g., Negroes using non-violence to gain the right to vote; obeying white employers and tolerating indignities temporarily to work their way to the top. The contrasting approach is violent revolution, seizing power and resources and overthrowing a system responsible for one's oppression. The argument is made that conforming or working within the system is not merely a temporary concession for the sake of victory in the long run, but that in the act of conforming or becoming an Uncle Tom, one will eventually adopt white middle class values contrary to one's original intent. Thus the only answer is to reject those democratic processes of law and order that tend to perpetuate white tyranny. Whether or not we are concerned with this issue, the pace of change toward a desired objective is continually a subject for debate. Policies can be construed in terms of the alternatives of reform or revolution, the former implying gradual, peaceful change; the latter more violent with more pervasive effects. Arguments on this issue focus not only on moral issues, but give considerable attention to tactical questions: which techniques are most likely to bring the desired ideal (e.g., some Negroes argue that violent revolution is strategically foolish, because they could never win a race war; resisting the draft might be morally right, but how can a person help to stop the war if he is in jail?).

Involuntary violence The use of violence has been excused or condoned when it is shown that the individual or group seemed to have no real choice or control over his violent behavior. Some examples are 1) a child or mental patient unable to control his impulses or ignorant of the difference between "right and wrong"; 2) a person who is "coerced" into violence (the pilot ordered to drop the bombs, or the Eichmann following orders from a superior); 3) situations where people have no knowledge or intentions that their acts lead to violence (hotel keeper provides meeting place for criminals or revolutionaries; automobile accidents). While the principle of involuntary violence helps to condone certain acts that would be otherwise unjustified, the process of deciding whether a person had control of his actions, whether he was coerced or could have been reasonably expected not to obey orders, whether he should have known the consequences of his actions create continuing controversies.

Violence as Part of Human Nature It has been argued that man has unalterable instincts toward aggression and violence, and that certain types of violence are necessary to enhance one's security or sense of worth. The institution of war provides a setting in which man can test himself and can develop courage, inventiveness, endurance, self-sacrifice, and loyalty--virtues that are allegedly crucial to give life meaning. Lorenz's observation that man is unique as a species that engages in intra-specific aggression to the point of death to one's adversary may suggest dim prospects for the avoidance of human violence. We must ask whether the apparent tendency to violence stems from unalterable instinct, or whether perhaps violence and aggression are symptomatic reactions to anxiety and frustration. If the latter is true, perhaps the more basic cause of frustration can be treated. William James spoke of the moral equivalent of war; McDougall spoke of man's tendency to pugnacity being replaced by healthy economic competition. If, perhaps the more basic need is a test or challenge, whether it be intellectual, economic, artistic, political; then the problem is to arrange for non-violent ways in which men can compete, demonstrate their skill and superiority, their courage and cleverness. Whether man's nature requires constant struggle or whether he can be satisfied with a life of peace, tranquility and ease is thus an issue relevant to positions on the justification or prevention of violence.

Definitional Problems

Which of the following actions constitute violence? Police use tear gas to break up a demonstration; police fire rifles at snipers; soldiers force citizens at gun-point to leave a village; a mother spanks her child; a mother scolds her child who then breaks into tears; a mother threatens to beat her child if the child does not behave. One might define violence as inflicting of physical harm, but this might unnecessarily narrow the definition. Hitler's armed occupation of Czechoslovakia apparently involved very little actual destruction, yet we tend to call this violence because of the substantial threat to use armed force. If the threat to use force, as well as actual physical injury, is part of the definition, then the definition may become too broad (We would not wish to say that we obey the speed limit, because the government will use violence against us if we do not.). Another complication is suggested by the mother scolding the child. To what extent can violence be construed as inflicting psychological as well as physical pain? Insults and verbal indignities in certain situations can be considered legitimate provocation for physical retaliation. The self-defense of one's psyche may be as important as physical safety. This is not to suggest that the definition of violence should be broadened to include any sense of wrong or injustice, but merely to illustrate problems of conventional definitions.

Other definitions of violence stress the notion of forcing someone to perform acts against his will. New technology will make it possible to control human behavior through means more subtle and less painful than, for example, traditional rifles, tanks and bombs. The use of chemicals and drugs on a mass scale may subdue rioters or conquer large populations with a minimum of physical pain. Perhaps a sense of violence will no longer be grounded simply in the concept of physical pain, but will also embrace "peaceful" methods of control against human will. If the world is able to control population growth and to solve major economic disparities among nations and if the acceleration of the nuclear arms race continues, this may result in a stalemate. In this case the possibility of total annihilation of the human race becomes so imminent that peace is valued "at any price", in which case the slightest tendency to use physical force might be universally opposed. In a still different interpretation, violence might become a special concept meaning increasing the risk of nuclear holocaust. In such a situation, the problem of welfare-security (of individuals and nations) may no longer involve questions of territory, sovereignty, economics, physical and mental health. Instead the whole issue might be construed in terms of a person's or nation's contribution to war prevention.

14. CONSENT

I Illustrative Issues and the Ideal

Revolts are often justified as the "inalienable" right of self-government: the American patriots against England; the Algerians against the French; the secession of the Confederacy from the United States, and Rhodesia from the British Commonwealth. Members of urban ghettoes who demand community control of schools, college students who press for a voice in university policy, and citizens of California who frequently modify their constitution by referenda point to the importance of arriving at policies by "consent of the governed." Opponents of the war in Vietnam object that the American people or Congress have not formally consented to administration policy. Young people refuse to go to war and kill without the "consent" of their individual consciences. Laws prohibiting homosexuality or adultery are opposed by those who argue that the mutual consent of participants should justify such acts. A plaintiff who claims he has been wronged by a contract is refused relief on the ground that he consented to a disadvantageous contractual relationship. The Amish who refuse to consent to the kind of public education given by the state are allowed to prescribe for their children education consistent with their religion. An embittered Negro or child disavows loyalty to the U.S. government on the ground that he never voluntarily chose to become part of this society.

On what basis can we construe such diverse controversies as instances of a more general consent issue? Is it appropriate to interpret the critical issue as "consent of the governed", even though such language is not customarily invoked in many of the above examples (questions of interpersonal relations, legal contract and educational choice are not often translated into such politically loaded terms)? In spite of a multitude of definitions, applications and phrasing, a common theme remains relevant to most of the above problems; that is, the felt need or right of individuals and groups to control (or at least have the power to influence) their destiny. This is perhaps the most general meaning of "self-government," the persistent desire for which manifests itself in controversies between colonies and mother countries, labor unions and employers, churches and the state, students and schools, child and parent. This chapter will clarify how public controversy may be viewed in terms of disagreements over the following consent issues: 1) To what extent can a given policy be said to arise from consent of the governed - a factual problem that cannot be resolved without also dealing with the definitional issue: what are the different and more or less appropriate meanings of consent? 2) To justify a given policy, how important is it to demonstrate that a particular type of consent process was followed (perhaps other values will be held more important than consent in certain situations)?

One of the major sources of confusion and disagreement is the idealized notion of consent taught in the schools and adhered to by laymen and professionals alike. The historical context is a small 17th century agrarian community, Puritan meeting house, or even the Mayflower. A group of citizens voluntarily band together and decide to give up certain individual freedoms in return for the security provided by collective government.* Members of the community have equal voice in town or church meetings in which policies are decided through open discussion of almost all of the citizens, each of whom maintains active and informed interest in public affairs. When concensus cannot be reached, majority rule is accepted. In such settings individuals actively participated in the formation of policy that affected them. Those minorities who would not adjust were free to form their own new communities.

We may question the extent to which any communities of the past did in fact fulfil the requirements of this classic democratic model. Perhaps simple agrarian communities of the past were ruled largely by elites, backed in silence by general apathy. Perhaps those citizens who did participate in policy-making formed their opinions on the basis of irrational personal concerns, jealous and selfish opportunism rather than through a process of impartial study and rational discussion. In spite of doubts about the historical authenticity of the classical consent model, and in spite of numerous threats to the model's operation in modern technological society, Americans continue to construe the general ideal of self-government in terms of the traditional historical image.

While the brand of democracy suggested by the town meeting or Puritan congregation seems unworkable in complex mass society, even the most cynical would wish to retain certain aspects of the model: the right of each citizen to an equal vote; the principle of majority rule; efforts to keep the citizenry informed through freedom of the press; restrictions that make the majority, at certain times, subject to the consent of individuals or minorities. Below we differentiate among various dimensions of the general ideal, asking in what kinds of controversies a particular aspect of consent seems to be possible or desirable. We see many of the problems falling into three general categories: issues involving the ability of an individual to influence policy in powerful institutions such as government and business; issues involving the balance between majority rule and minority rights; and general issues of personal choice that relate less directly to specific issues of public policy.

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*Earlier versions of contract, applicable to English restrictions on the monarch's power, stressed the ruler's abdication of absolute power in return for obedience and support of the ruled. From the point of view of the ruled, they delegate their powers of self-government to the ruler, who, in turn, agrees to rule in their interest. In addition to the importance of mutual obligations between ruled and ruler, the notion of contract has come to mean that governmental power should not be exercised arbitrarily. That is, one must justify or give reasons for infringements on others' right to consent or self-government.

II Individual's Relationship to Institutional Policy

While consent theory focuses primarily on the relationship of the individual to government, the issues can be generalized to non-governmental institutions that influence the individual's life, such as business corporations, churches, hospitals, or universities. Problems arise as to "how much" or what kind of consent should the individual have in his dealings with the institution. We can distinguish among different possible degrees of consent as follows.

Active Participation (or Assent) on Particular Policy. At one extreme are those who claim that all citizens should have a right to formulate or at least vote on almost all specific policies or decisions made by a governing body, whether the decision concerns street cleaning or declaring war on a foreign country. One should not be morally bound to obey any given policy unless he himself has assented to it. While extreme formulations of this position tend to be quickly dismissed as impractical at best, or even leading to anarchy in complex mass society, there are some issues in which this concept of consent deserves more serious consideration. Recent efforts of parents to gain community control of schools can be seen as requests for more active involvement in the particulars of school policy that affect one's child. Recognition of the right of conscientious objectors to refuse combat duty amounts to acknowledging moral rights of the individual conscience. Small voluntary associations for social, religious and business purposes allow extensive participation by members, and discussion of policy until the group reaches a consensus to which all members agree.

The extreme form of direct democracy provides not only for considerable personal involvement of all members on the particulars of public policy, but also for achievement of consensus within the group - the group cannot act unless it has the unanimous assent of all individuals (or dissenting individuals cannot be forced to obey the majority opinion). Opposition to this concept of consent stresses two points: First it is argued that because of the number and complexities of public policy, it would be impossible for the average citizen to give fruitful personal study to particular issues. Second, because of large populations and diverse interests of the groups within governmental units, it would be impossible to reach unanimous consensus. To avoid anarchy, however, the group must act and dissenters must obey; thus the concept of majority rule replaces unanimous consent. Rather than allowing all citizens to vote on particular policies, special people who have the time and interest to study public issues are designated "representatives" to carry out the citizens' will.

Representation. The shift from unanimous individual assent to majority rule raises problems discussed below under "Majority Rule-

Minority Rights," but here we shall discuss problems created by the shift from active participation by all to consent by representation. This latter shift attempts to meet the problem of the uninformed citizen making judgments on complicated issues and the problem of too many people having to reach general agreement. Yet other problems remain. First, who is to be represented? Should children be allowed to choose their own representatives on school boards? Should consumers be guaranteed representation on business corporations? Should aliens and criminals have the right to vote? Should recipients of public welfare be represented on welfare boards? Should the military be represented in the process of allocating foreign aid? What kind of representation should students have in determination of school policy and curriculum? Should citizens be represented on policy review boards? A major criterion for establishing whether someone deserves to be represented in the governing of an institution is to ask whether he is affected by the policies of the institution. If so, he is presumable entitled to representation by the principle that "people should have a say in policies that affect them." Thus students claim a voice in the governance of schools and universities. Yet a number of other "constituencies" are affected by the university: blue collar service workers, townspeople, parents of students (who must cope with the new learnings and attitudes their children bring home), government officials who are advised by academic experts, book publishers, professional athletic teams. All of these and certainly other segments of the population are significantly influenced by policies of and activities within the university. But should all have a direct say in the university's government? On what basis should we choose those constituencies deserving the most direct representation? To know that one is "affected" by an institution is an insufficient principle. We need more specific guidelines.

Some of the difficult problems of specifying and justifying formal legal-constitutional relationships between institutions and people affected by them are avoided by distinguishing between formal lines of authority and informal processes of influence. It has been argued for example, that children are represented on school boards, because their parents have children's interests at heart; or that consumers do have a say in the policies of manufacturing companies, exercising their votes through spending dollars in the market; or that citizens do control the police by being able to elect city officials. Discussing the problem at this level shifts the question from "who has a right to be represented?" (that is, we assume various constituencies deserve a voice) to the factual question of whether the type or form of representation is sufficiently influential or effective to satisfy conditions requisite for meaningful consent.

Another problem is to arrive at criteria for selection of those few citizens who act as representatives. Implicit in the discussion so far is the criterion of popular election by majority or plurality. Yet we also delegate power to representatives of other sorts. Choosing not to elect vast numbers of leaders, we allow them to be appointed by various elected or appointed authorities (e.g. judges, cabinet members, administrative heads, etc.). We delegate to physicians, engineers, lawyers and scientists the power to make decisions affecting our lives, because their expertise is considered superior to ours. Seniority, whether in the labor union, the military or Congress is often another consideration that earns some people more power than others. Wealth, achievement, or even sex (League of Women Voters) may also be used to discriminate among those people who participate in policy-making versus those excluded from participation. (The Chapter on equality discusses in greater detail criteria for unequal distribution of power and privilege). Whether local parents or professional educators are more "qualified" to run an urban school; whether General Westmoreland or Senator Fulbright is more qualified to make judgments about U.S. policy in Vietnam; whether the legislature or the Supreme Court should make national policy in race relations -- these are controversies over criteria for the selection of those "representatives" who will act for the mass of individuals unable and/or unwilling to exercise direct consent to particular policies.

A third issue concerns the proper role of the "representatives" (here the term is used broadly to mean any official, however chosen, the purpose of whose job is to shape the policy in the public interest). To what extent should these officials reflect or follow the will of their constituents? To what extent should they act independently of popular will, or even try to shape public opinion to accept their personal views? Some argue that elected officials have little choice -- they must follow public opinion to stay in office. Appointed officials (such as judges), relatively free from public pressure, are more obligated to act independently. Yet what about the elected representative, who believes majority opinion to be in serious error or possibly morally wrong? Should he endorse what he considers misguided policy so as not to lose his office? Assuming he does so on the argument that if he stays in office, sometime in the future he will be able to correct past mistakes and implement more justifiable policy, how often can this apparent betrayal of conscience occur before he loses integrity? Similarly, the Supreme Court judge may feel that "legally" a given act is unconstitutional. Not subject to popular election, he should be able to act on impartial legal opinion. Yet the issue under consideration may be so socially explosive that a court ruling contrary to public sentiment could pose threats to the very existence of stable legal process. To what extent should the judge take public opinion into account in his decisions?

To conclude that representatives have some obligation to follow the opinion of their constituents or the public, still leaves the problem of defining who the constituents or the public are. Whom should the representative heed? The opinions of the majority, the

the opinions of the most vocal groups, the views of that group possessing the most power to influence policy (and the representative's future)? Perhaps it is the representative's obligation to construct from the differing views of individuals and groups a somewhat new composite or "compromise" view, not necessarily identical to the position of any power or opinion bloc. Such a combination or composite position could be what Rousseau was suggesting when he used the term "general will." In balancing such views one must decide how much weight to give to the wishes of different groups and individuals. Should educated professionals be listened to more than poorly educated laymen; should organized groups be given more attention than individuals; how relevant are legal-geographical boundaries in defining responsibility to constituents (responsibilities of cities to suburbs; inter-state relations)?

The modern difficulty of representation as a method of decision-making is that each representative must speak for hundreds of thousands of individual constituents and thousands of groups. This can easily lead to pessimism or disenchantment not only with the classical model of active participation by individuals, but also the representative system itself. Consent of the governed can be redefined to cope with such difficulties. We may assume that by and large individuals do not have direct access to institutional policy-making through representatives. They may exercise their will in the formation of policy by joining pressure groups who through a collective organization of manpower and funds try to influence public officials. Rather than exercising particular consent, individuals give general consent through periodic elections in which each person has an equal vote to choose sets of officials or representatives. The periodic vote is the major act of consent. It means that until the next election, the voter has consented to delegate most of his political power to the representative who will act on his own wisdom, but cannot guarantee that he will follow the will of each individual on particular issues. This view of representation emphasizes the individual's consent primarily as an act of delegation of power, rather than the ability to "speak through" one's representative on specific issues.

Disposition of Acceptance. The above redefinition does not quiet criticism and questioning. Those candidates and their supporters who lose elections do not really wish to be ruled by the victors. Except for original settlers and "founding fathers," individuals have not had any meaningful opportunity to accept or reject the constitutional consent system under which we operate. Each new generation does not consciously choose to be subject to this system of government. Negroes have observed that they did not choose to become citizens of the U.S. To interpret consent in modern government as voluntary social contract is inappropriate, for individuals do not currently have the opportunity to accept or reject either particular policy or the general system of government. Admitting the lack of opportunity for individuals freely to affirm or deny in discrete and binding acts whether they wish to participate in the existing consent process, some would argue that consent still exists, but is given less consciously. By virtue of our continuous and longstanding obedience and participation in the system, so the argument goes, we have consented to it. In the absence of clear protest, revolution or emigration, we should assume that voluntary individual consent has been given, albeit through a general attitude or disposition, rather than discrete affirmation.

This argument transforms the concept of consent from its original sense of active individual participation (with risks of anarchy) to a sense of passive acceptance or lack of protest, with risks of massive apathy. Should we say, however, that those slaves who did not revolt consented to slavery; that since the Germans failed to overthrow Hitler, they consented to the Nazi regime; or that since young people do attend school, they consent to compulsory education? The failure to try to alter one's lot can be construed as acceptance of,or consent to,the situation only if one has had a reasonable opportunity to leave or to select an alternative to the status quo. In such cases, a decision not to protest represents a clear choice among options. But to the extent that one is coerced into accepting a course of action or prevented from examining alternatives, this denial of choice amounts to a denial of his right to consent.

Having dealt with some problems concerning the process of consent, below we consider problems of balance between majority and minority groups.

III Majority Rule and Minority Rights

Majority rule has been seen as a device for maximizing the amount of individual consent or assent to public policy, assuming that unanimity could rarely be reached, and the process of striving for it would imperil the government's ability to act efficiently. The acceptance of majority rule has not obscured or solved a number of other consent issues.

A. Powers and Rights of Divergent Minorities

It is commonly held that even the majority must place some limits on its own power to rule; that in some areas minorities who do not consent to majority policy should retain certain powers of consent or self-government. Certain freedoms in the Bill of Rights, for example, are presumable guaranteed as protections for minority groups and individuals against excesses by the majority of that state. Religious expression, speech and property ownership are some of the major areas in which groups and individuals are said to be immune from majority rule and/or state infringement.

1. Activist, Dissenting, Evangelical Minorities

We can distinguish between active minorities that try to change the majority and those minorities who wish mainly to be left alone, for example, isolated religious communities (the Amish), conscientious objectors or the American Indian. Activist minorities would include socialists and communists in the U.S., student radicals, black revolutionaries, peace-marchers, right-wing extremists. Religious missionaries, economic development experts, peace corps volunteers, or community organizers could all be considered "outside agitators;" that is, minorities intervening in "foreign" communities.

Arguments over rights of minorities to intervene in or change majority policies can be clarified by distinguishing between goals and objectives of the minority versus its tactics of persuasion and implementation. Goals are often stated at the level of general values -- peace, equality, economic development, religious salvation, self-determination, etc. Minorities who phrase their objectives in terms of general values of the Creed are often not trusted when the majority (or perhaps a ruling power that does not represent the majority) feels threatened. Motives of activists are often questioned: they are really just stirring up trouble, or destroying the government without providing a better alternative; they are agitating for their own self-interest, rather than the community at large; they seek to destroy values and life styles cherished by the majority; they are attempting to impose a new totalitarianism that would deny minority rights.

After deciding on the goals and motives of minorities, one must judge their legitimacy. To agree or disagree with the objectives, does not, however end the controversy. If one disagrees with the purposes, one must decide to what degree the minority should be restrained. If one supports the purposes, one must decide how much freedom to give the minority in implementing its program. The general commitment to freedom of speech, religion and political association tends to justify allowing minorities considerable freedom to employ various persuasive tactics: mass demonstrations, private and public meetings, canvassing, and the use of media (newspapers, pamphlets, TV, films Limitations on minority rights to dissent and evangelize are usually justified by arguing that actions which A) tend to advocate and incite violent overthrow of the government (or bring other seditious consequences) can be outlawed; as can actions that B) tend to interfere with constitutional rights of the majority (e.g. private property, free exercise of religion, etc.) Should advocates of black power, socialism, atheism or free love be given access to the mass media and the schools equal to that enjoyed by "the establishment" (which may or may not represent the majority)? Dissenting minorities may not openly advocate violence, but cast enough doubts on accepted norms to undermine faith in the consent process as it exists. On the other hand, perhaps the vitality of the consent process rests largely on the opportunity of minorities to expose doubts and give all points of view public consideration. The latter cannot occur unless protestors are allowed considerable freedom to disturb the majority's thoughts. At what point, however, does doubt and disturbance become social disruption, representing what has been called "clear and present danger" to the existence of the social system or the preservation of majority rights?

2. Minorities Wishing the Right to be Left Alone

Amish parents refuse to send their children to state schools that allegedly teach material contrary to the Amish religion. Jehovah's witnesses refuse to salute the flag or say the Pledge of Allegiance. Groups such as nudists and hippies wish to form communities with styles of life radically different from the society at large. Debate continues on the extent to which the majority should require conformity from passive minorities who wish merely to be left alone, (e.g. groups who engage in polygamy, hallucinogenic drugs, homosexuality or gambling). The South wishing to secede from the Union; or a group of Negroes demanding local control of schools and refusing to be integrated with the white majority are other examples.

In contrast to minorities who wish to secede or withdraw, because of different life styles, certain minorities are more clearly exploited, denied equal rights, or removed from the "mainstream" against their will. The internment of the American Indian on "reservations," the oppression of the Negro, relocation of Japanese Americans, or discrimination by local religious majorities (the Puritan banishment of Roger Williams or Protestant exclusion of Jews in country clubs) illustrate this sort of majority rule-minority rights conflict. Clear limits are placed upon the rights of other minorities to participate in the consent process: restricted rights of aliens, literacy and age requirements for voting, barring from public office such groups as criminals or communists. To further illustrate the conflict between committment to majority rule and equal consent rights for the minority, we may ask whether criminals, aliens, young people or transients in a community deserve equal rights to full participation in policy-making as the majority of law-abiding, adult, longstanding residents. Should religious minorities like the Amish or Christian Scientists be allowed to deprive their children of what the majority considers to be useful education or medical care?

B. In What Sense Does Majority Rule?

In addition to disadvantages of "tyranny by the majority", powerful minorities also pose threats to the consent ideal, not only in the form of medieval, feudal social systems or revolutionary juntas, but also in apparently democratic communities. Studies into the realities of societal power and decision-making (e.g. Mills, Berle, Galbraith, Clark, Hunter, North American Congress on Latin America) have claimed that major policies in the U.S. are formulated by small but powerful elites, not directly responsible to majority popular will. Such studies acknowledge the extensive influence of a professional military class, a small group of corporate executives controlling vast proportions of the country's economic assets, the masters of a media industry with the ability to shape public taste and opinion, and a class of highly educated technicians and academicians (the technostructure) whose advise determines policy in major arenas of private enterprise, education and public affairs. Studies on citizen participation in the consent process show that only a small minority (perhaps 15%) actively engage in politics, and that rarely are officials elected by a majority of those eligible to vote.

Argument will continue over the actual influence of powerful elites, the extent to which their interests are united or whether conflicting objectives result in countervailing forces that protect the public at large from monopolistic power. Whether war is good or bad for business; whether real competition exists in the auto industry; whether management and labor inevitably have conflicting interests; whether the media industry can express independent positions or must bow to the wishes of its advertisers -- these are the kinds of problems that must be studied to reach conclusions about the net effect of powerful, non-elected elites on the consent process. The following questions raise the same issue: Did the majority of Americans choose to defend South Vietnam? Did the majority of Americans choose to reject racially segregated education in 1954? Did the majority of Americans choose to create a polluted atmosphere, squalid urban slums, or even spray deodorants? Moreover, such questions force us to examine sources and uses of power that go far beyond simple notions of representative government or majority rule.

In studying the history of a local urban renewal project, the marketing of a new product, the operation of a newspaper or television station, the formulation of a foreign policy decision, or the design of a school curriculum, one can inquire about the extent to which majority opinion tends to influence important events versus the role played by individuals and pressure groups immune from majority will.
This should help to differentiate between those areas in which the majority-rule aspect of the consent ideal seems operative, those in which other facets of consent are relevant, and those which defy application of the consent notion.

IV Consent in Personal Choice

Other interpretations of consent emphasize less the conflict between majority and minority groups and more the freedom of the individual to control his destiny in a personal sense, immune from intimidation or coercion by government, other institutions or persons. The choice of an occupation, a spouse, a type of education, a place to live, books to read, children to have, friends to enjoy are matters of personal "consent" that can develop into broader issues of public policy. Here we shall mention a few illustrative issues.

A. State Limits on Personal Choice

Invoking the familiar justification that "personal freedom for the society as a whole requires placing some limits on individual freedom," the state places a number of restrictions on the individual's power to control his own destiny. Compulsory school attendance, military service, taxes; laws prohibiting racial discrimination, homosexuality, adultery, use of drugs; regulations on child rearing and adoption; restrictions on those receiving public welfare; compulsory collective bargaining in labor disputes; government policy that rewards and creates incentives for some careers, e.g. scientists and engineers, more than others, e.g. poets and conservationists; it is unlawful in many states to commit suicide. Advocates of such curtailment of individual freedom of choice may argue that such restrictions are necessary primarily to enlarge and expand the individual's power to control his destiny. Controversies over the right of the state to limit specific kinds of choice should consider this argument as well as other criteria, e.g. law and order, majority rule, used to justify limitations on personal consent.

B. Consent and Contracts

The right of individuals to make agreements with and promises to each other is one form in which personal consent is exercised. The state supports the freedom of individuals to consent to a variety of mutual obligations, duties and privileges: marriage; payment for services rendered; acceptance and release of legal liability; assigning one's rights to others, e.g. author-publisher contracts. The common law upholds mutual consent in providing that a person cannot claim to have been wronged by the results of an arrangement to which he voluntarily agreed. At the same time, the law acknowledges circumstances in which individuals may legitimately be excused from contractual obligations. Statutory law also prohibits individuals from making certain kinds of voluntary agreements: conspiracy to commit a crime; agreements in restraint of trade; restrictive and discriminatory covenants. Other sorts of agreements, while not explicitly forbidden are simply not enforceable through the courts: a girl breaks a date to a dance; a teacher decides to give a test in spite of an earlier promise to the contrary; a father, after agreeing to pay his 10-year old son for mowing the lawn, refuses to pay. We need to ask on what grounds personal agreements (or consent) may be broken, both through statutory prohibitions of certain kinds of agreements and through failure of the government to honor and enforce personal agreements.

C. Free Will Issues

The ability of a person freely to choose among alternative life styles can be limited by intimidation or physical coercion in several of the ways mentioned above. Free choice may also be limited not in the sense that alternatives are prohibited, but they are simply unavailable or unknown to the person, e.g. a person who chooses to specialize in medicine, never having had the opportunity to experience other professions. The former type of limitation on free choice is easily identified and can be debated with regard to specific policy, but the latter is more elusive.

A mother, for the first three year's of her child's life, read only the story of the three bears. Convinced that the child was now old enough to select stories on his own, she asked on his third birthday, "What story would you like to hear tonight?" Is it fair to say that the child's response, "The three bears, Mommy," represents a free choice? Assuming that one's ability to choose depends to a large extent upon his awareness of alternative courses of action, public and educational policy should attempt to create live alternatives and to heighten peoples' awareness of them. How much coercion must this involve? One might require that people committed to specialized endeavors acquire broader ranges of experience. A violinist might be required to take time off trying other occupations; students could be required to study equally in several fields before they make decisions on a major subject; citizens might be given opportunities to live in other cultures before they declare citizenship for one; TV networks could be required by the government to provide vastly different formats and programming to insure the communication of more diverse conceptions of man and the world. One might distinguish between requiring a person's participation in alternative endeavors as opposed to giving "incentives" to people and institutions to create a more diverse world.

We are still left with the possible contradiction, however, that to maximize freedom of choice, we must restrict it. The child who begins to study the violin may after two weeks decide he cannot enjoy it. If one believes real enjoyment comes only after one achieves some mastery, he might force the student against his will to continue practicing, with the argument, "you won't know whether you like it until you know the feeling of mastery; to decide now would not be informed choice since you have not yet had the experience of mastery." With this type of argument one might oppose student freedom to select and control courses of study. One might also deny that because people watch TV or buy American cars, their consumption represents free choice. On the contrary, because significantly different alternatives have not been presented, their choice is restricted.

Discussion on the problem of significant alternatives will have to deal with the factual problem: Are there significant alternatives which people understand and can pursue? And the policy question: In what ways should institutions and individuals be regulated to preserve diverse options?

We might explore the broader issue of free will versus determinism. Some psychological theories claim that men's choices, far from embodying the systematic weighing of alternatives, are determined by irrational forces, uncontrollable emotional drives in early childhood and adult responses thereto. Social theorists have argued that social policy results from a process of multiple causation in which informal sources of power exert far more influence than formal authoritative institutions through which consent is mythically assumed to operate. Theological interpretations may also deny a sense of free choice to the extent that God (or other supernatural forces) is presumed to control human affairs. A position of historical, psychological or religious determinism can undermine faith in the ideal of personal consent, which itself presumes some degree of choice.

V Competing Values

We have suggested widely differing contexts in which the idea of consent focuses public controversy, situations in which one might reject or violate some facet of consent, because another general value is considered more important. Some of the more frequent values used to justify denial of consent are suggested below.

Competence. Individuals and groups are denied direct participation in policy-making, because their skills are considered insufficient. This deprives laymen and also well-educated persons who specialize in the wrong field of opportunities to shape policy in business, the professions, the church, as well as government. Laymen are not allowed to make specific decisions on the U.S. space program, nor are space physicists allowed to build dams and highways. Students are denied a voice in the governing of schools, because they are said to be unqualified. Specialization in society results in giving differentiated power to those skilled in particular fields, thus citizens are not entitled to equal consent power in all areas. Arguments persist, however, on what constitutes competency, or what qualifications are appropriate for given decisions and tasks.

Efficiency. Even if we could assume that all men were equally competent to make decisions on all questions, we might still limit direct participation in public policy matters, because of the waste of time and effort required for every individual to be involved in every decision. Discussion and political manipulation by millions could last so long and bring such confusion that few effective decisions would ever be made. On the ground of efficiency, therefore, the privilege to wield active consent power is limited, not only in government affairs, but in most other institutions as well. Representative and administrative powers are delegated to a relatively small group, because it will cost less to arrive at policy this way.

Wealth & Property. Few would question the right of the corporation owners to have final authority for corporation policy, although owners may delegate their power to managerial executives. Non-stockholders are not presumed to deserve any formal control over businesses. Homeowners are (within limits), allowed to govern their "castles." Those who can afford membership in expensive social clubs have rights of consent in those organizations to which the poor are not entitled. Organizations with large amounts of money may spend it to influence government policy, and are thereby entitled to more consent power than impoverished interest groups. The chapter on property considers this problem in greater detail.

Legality. For the suburbanite who objects that he has no formal say in city government; or the defendant who objects that he is not able to choose his judge; or the poor man who objects that the U.S. system of government allows rich people too much influence--for these and other such complaints, there comes a standard answer: "This is the way our constitutional system operates. We have defined certain kinds of offices, duties, methods of selecting leaders. We have legal-political boundaries that define the jurisdictions in which individuals may exercise consent power. To call for a modification of the legal system is possibly to cut a critical thread in the time-tested social fabric." The argument that one has a duty not to depart from the legally constituted status quo may be used as a value to discourage requests for consent power that the existing system does not seem to provide.

Conscience. Each of the above values may be used to deny direct consent power to individuals. The value of individual conscience and choice, though apparently consistent with the consent ideal, can be used to challenge one important aspect of it: majority rule. The consent of the governed has both its collective and individual interpretations, but it is its collective form which creates obligations on individuals to abide by the will of the group. In some situations, however, the value of individual conscience can be invoked to justify disobedience or violation of the group's decisions. The conscientious objector, the person who engages in civil disobedience to protest what he considers an immoral law, the school drop-out who opposes the middle-class achievement orientation of his college, or the lone dissenter who leaves his church to avoid obeying its decrees--all these may invoke the value of individual conscience as a justification for failing to accept policies reached through the consent process of groups to which they belong. Such persons place more emphasis on that aspect of consent connoting individual choice and control of one's personal destiny.

15. PROPERTY

"We are by nature stubbornly pledged to defend our own from attack, whether it be our person, our family, our property or our opinion.. ..The little word my is the most important one in all human affairs and properly to reckon with it is the beginning of wisdom." (James Harvey Robinson quoted in Earnest Beaglehole, Property: A Study in Social Psychology. London: George Allen & Unwin Ltd., 1931.)

I Range of Issues

By extending one's economic imagination, virtually all public issues could be construed as conflicts over the distribution of wealth and the rights of ownership attached to personal and collective "possessions." The word my implies that ownership or possession of something (intangible as well as tangible "property") creates rights, liberties, and obligations that would otherwise not accrue to a person or group. This chapter discusses problems relevant not only to distribution and ownership of real wealth, but also those problems that arise out of a broader conception of property; for example, including as "property" a person's children, his skills, his reputation, and his rights to control such things.

The following controversies illustrate the wide range of problems to which concepts of property can be applied. 1) A colonizing power (e.g. England) takes land from primitive tribes (Africans or American Indians) who claim legitimate ownership by virtue of years of prior occupation. Later when the conquered natives demand independence, the colonists claim rights to some of the wealth because of the investment and labor they provided to stimulate economic development. 2) A labor union demands higher wages and better working conditions on the ground that their physical labor gives them a just claim to the company's profits. The company refuses to give in because it "owns" the business. 3) A merger is dissolved by the government and a company fined for unfair business practices. 4) A program that taxes the wealthy to uplift the poor is opposed by those who claim that giving hand-outs will destroy the poor's initiative and willingness to work. 5) An urban renewal program is applauded for its efforts to beautify and modernize a city, yet opposed for its taking of private property and dislocation of a closely-knit community. 6) Laws against prostitution or child labor are criticized for restricting the freedom of an individual to sell his services as he wishes. 7) A landlord or restaurant owner, prohibited from discriminating on the basis of race, complains that he should be able to choose his clients as he wishes. 8) A parent objects to compulsory schooling, or to the curriculum offered by a school, on the grounds that it interferes with the parent's right to raise his child his own way. To clarify any given issue within this diverse constellation, it is helpful to recognize at the onset the particular conceptions of ownership and property rights that the case involves. The chapter will outline different conceptions and positions commonly taken.

II Establishing Ownership

What are various ways by which a person or group can legitimately acquire property (or the right to call something "mine")? Controversial issues arise in part from the application of conflicting criteria for ownership.

Conquest. Though the rhetoric of modern democracy rejects violent conquest as a way of legitimately acquiring property, we must acknowledge its acceptance in the past (American preemption of Indian claims; the Spanish American War; the American Civil War). To the extent that one accepts a social Darwinist view of reality--or even a "white man's burden" viewpoint--then conquest seems a justifiable means to acquisition of territory or scarce resources. Conquest is also considered an acceptable response to provocation or imperialistic aggression by an outsider, e.g., America's right to "reconquer" the Pacific in World War II or its right to prevent Communists from conquering Korea or South Vietnam. The question of when conquest becomes legitimate is interwoven with issues of national welfare-security discussed in chapter five.

Occupation. Ownership of unoccupied property can be established by those who inhabit it, on a first-come-first-served basis. Land holdings acquired as a result of "squatters rights" illustrate this principle as does the familiar claim that America belonged to the Indians, or Africa to the Africans, because "they were there first." While the principle of prior occupation seems persuasive in a frontier, non-industrial setting, it can be challenged in at least the following ways: A) How much land or property can a person or group claim as "occupied" by them - must they physically settle on every inch, and if not what are their rights to land used very seldom or not at all (e.g. hunting grounds or undeveloped oil fields). B) Assuming that several groups arrive to claim a piece of land almost simultaneously, would it be just to award the property to A and deny it to B simply on the basis of time of arrival--should a minute or an hour really make the difference? C) Other principles are often deemed more important; for example, a tenant who occupies property is not entitled to the property, because his contract allows him only limited rights; occupied land can be taken if it is needed for "community benefit"; through inheritance, a person can acquire land he never occupied.

Labor and Productive Use. Colonialists have justified their claim to property previously occupied by natives by arguing that the colonial power worked to develop the real estate, adding to its productivity and economic value. The person or group who creates or increases the value of property is, thereby entitled to proportional ownership. Marx makes a similar argument with regard to rights of the working class:

the worker is entitled to ownership of the means of production and distribution, because his efforts and sacrifices created the economic value of the final goods and services. These principles reflect a general ethical maxim, "as ye sow so shall ye reap," which can be interpreted in at least two ways: A) The harder one works, or the more effort he contributes, the more property he deserves; or B) Regardless of the intensity or pain of one's labor, the more he contributes to the value of property, the more he is entitled to ownership.

These principles raise additional problems. How are we to assess the economic value of various kinds of labor? How should profits in the auto industry, for example, be distributed among factory workers and managers who manufacture the product, patent holders who invented it, capitalists who take investment risks to produce it, advertisers who help create demand, etc. Why should a secretary be paid less than an executive? Usually in making judgments about the economic value of a given job or service, we rely on certain criteria for determining its social value as well.

Arguments over whether steelworkers, teachers, doctors, artists, or public officials deserve higher compensation for their services can be clarified by recognizing criteria used to measure economic-social value. Some of the criteria used to justify various rates of pay for given jobs are as follows: 1) pain-effort as mentioned above can include the notion that the more unpleasant or undesirable the job, the more one should receive in compensation for having to endure it; thus refuse collectors are said to have a "harder" job than secretaries; 2) amount of responsibility for the actions of others, that is, executive and managerial positions are said to deserve more pay than jobs in which people merely follow orders, having to make only minor decisions not significantly affecting others; 3) training and expertise as in medicine, engineering, law or other professions presumably establish a right to compensation higher than that deserved by unskilled labor; 4) social service, whether in teaching, social welfare work, public office-holding, or the armed forces is said to deserve higher pay than more self-interested occupations. Such criteria need to be explored in greater depth to determine whether they (or some redefinitions thereof) are sufficiently clear and valid for assessing the economic-social value of one's labor.

Contract. One can establish ownership simply by buying something - a house, land, automobile, livestock or television set. One can also purchase less tangible kinds of property rights: a tenant may rent a house or farm; an employer may buy labor from workers; a publisher may buy the right to print an author's work; a man may purchase the right to marry a woman. Conversely persons may lose ownership or rights to property if they violate terms of contract. The major problem with contract as a means of establishing ownership is to distinguish between those contracts or exchanges that seem fair or justified versus those that should not be considered legitimate or enforced. Should prostitutes be allowed to sell their services? Should child labor be prohibited? What obligations does the seller have to guarantee the buyer a safe and effective product (cars and drugs)? Should a doctor agree to perform an abortion for a patient? Section III of this chapter will discuss in detail various limitations that might be imposed on rights of contract.

Birth and Inheritance. Parents and guardians as well as the state have extensive rights over children--children may in fact be construed virtually as property. Though children are legally emancipated at age 18 or 21, the rights of both parents and the state to deal with their human property before emancipation is arousing increasing controversy. Positive law notwithstanding, we may ask how far parental rights should go: Can they make and enforce any rules they wish on dating, driving, drinking, smoking? Should they have the power to determine the nature of schooling for their children? Should parents have the right to commit abortion or mercy-killing of their "own" children? The extent to which the larger community should have the power to make decisions on such issues, or the extent to which children should be given more say or autonomy are two ways in which parental rights over children might be questioned.

Children or other relatives and legatees establish ownership through inheritance. The resulting distribution of wealth has created disparities that conflict with certain interpretations of equality. While one might not dispute the right of a parent to reap as he sows, and thus earn a large fortune, it can be seriously questioned why the child of a poor parent should begin life at an extreme disadvantage to the child of a wealthy one, when neither child has had a chance to "sow." Although Americans have tried to prohibit inequality arising from the inheritance of political power (as in the "old world" system of government by nobility), gross inequality in economic power through inheritance has always been accepted. The ideals of equality and equity regarding the distribution of wealth require continued re-examination on the extent to which inheritance serves as a legitimate basis for property rights.

We might expect considerable controversy in the future over ownership or property rights in space, under the sea, or perhaps the poles of the earth. Should any group (private business or nation) be allowed exclusive rights over a given area; if so, on what basis? To what extent would criteria discussed above prove useful in settling disputes over property in these frontier areas?

III Limitations on the Acquisition and Use of Property

In this section we hope to make explicit various reasons, values or arguments given in advocating restrictions and limitations on the acquisition and use of property. Those who ardently endorse policies of "free enterprise" and liberty of property may need to qualify their committment in light of some of the following considerations.

A. Conflicting Criteria for Ownership

A strong labor union limits the freedom of owners of a business to distribute earnings. The freedom of individual workers and employers to make contracts is sometimes restricted by laws that make collective bargaining compulsory. While arguments persist over how much power labor should be able to wield against owners and management, a general committment to the value of a just desert for one's labor tends to justify certain restrictions on property rights of those who own (or who have managerial responsibility for operating) enterprises in which productive work is done by hired labor.

Similarly the belief in just desert for one's labor can conflict with other bases of property rights. Servants who work diligently to maintain and increase the value of a millionaire's estate are not thereby entitled to a portion of his inheritance. The wealth may be given to members of the family who have always lived in leisure. Thus property rights based on inheritance can limit ownership or rights based on just desert for labor.

Acquisition of property through conquest has historically infringed upon property rights gained previously through occupation, contract and inheritance--the displacement of the American Indian by white settlers, the conquest of the South by the Union Army, or the colonization of Kenya by the English. Property rights of native Africans were abolished by the system of conquest that brought slavery to the U.S. Later the North's conquest of the South expropriated from southerners their slave property. Though contemporary domestic property disputes seem to be based on values other than occupation or conquest, these two values remain central in the discussion of international issues.

In a sense the quest for property may be seen as a zero-sum game in which the establishment of ownership or freedom of property for person A automatically excludes or denies certain rights for person B. Thus criteria that establish ownership also place limits upon it: as A and B scramble for unreserved seats at the ball park, they know that prior occupation of the seat bestows rights on one person and denies it to another. More complicated problems arise as different criteria conflict with each other: the labor union claiming a share in property by virtue of just desert for labor versus management's insistence that its contractually established ownership should exclude labor from any official or formal rights to profit-sharing. Disputes on property rights arise not only in conflicts among the criteria for ownership (suggested above), but also through concern for other general social values such as liberty or general welfare.

B. Liberty

The general committment to personal liberty and equality of opportunity has been used to justify the acquisition of large fortunes and economic power by the wealthy few. On the other hand, however, unregulated and unrestrained economic liberty produced concentrations of economic power that in effect destroyed opportunities for entrepreneurs to compete. In the late 19th century it became apparent that laissez-faire policy originally intended to preserve property rights would lead to a condition of monopolistic control in which a few giant corporations held the power to deny rights of property to those businessmen who fared less well in unregulated competition. Anti-trust laws, attacked by some as infringements on rights of property, were supported by others as regulations necessary to preserve the liberty of businessmen to engage in free enterprise. Thus, in the name of economic liberty, we imposed restrictions on businessmen. Anti-trust laws aim to limit the amount of the market that any single firm can control; they prohibit monopolies and contracts that tend to "restrain trade"; and they prohibit certain kinds of business practices (e.g., rate discrimination to eliminate competitors) considered as "unfair competition."

The problem is to decide what kinds of regulations on business are justified means of preserving equal liberty for businessmen, and what kinds are unjustified infringements on property rights. (Regulations on property designed to protect the consumer will be discussed later.) Mr. Tuttle, a barber in a small town claimed he was maliciously run out of business by a local banker who, simply because of personal animosity set up a competing barbershop and used his influence to detract customers from Tuttle's shop. Should the banker's privilege to set up a barbershop be limited if his motives are considered malicious? Should supermarkets be prohibited from charging such low prices as to run small independent grocers out of business (or should the supermarkets be taxed to support subsidies to the small grocers)? Should General Motors be denied the opportunity to control 95% of the auto market if it suddenly made a technological breakthrough that allowed drastic reduction in auto prices with improved quality? For what reasons and under what conditions is it legitimate to restrict property rights in order to preserve economic freedom for competitors?

Limitations on property rights, based on a concern for equal liberty, also manifest themselves in prohibitions against ethnic and racial discrimination. It is argued and in some cases made into law that the innkeeper should not deny a traveler accommodations on the basis of race; the landlord or real estate broker should not discriminate in sale or rental of housing; the employer should not discriminate in hiring, Assuming that these are justifiable infringements on property rights, would it then be right to require property owners to give people of all races and religions equal access to private homes and social clubs? Should the government establish a racial quota system for all neighborhoods and compel whites and Negroes to move in order to bring integration in housing as a step toward equalizing opportunity? Should churches be allowed to ban from their facilities members of other religions considered "heathen"? Should an Irishman be given equal opportunity to work in a Chinese restaurant? One must try to decide those areas or situations in which the value of equal opportunity seems important enough to justify restricting property.

Although we shall discuss the poverty problem in greater detail below, here we should recognize that aspect of equal opportunity that emphasizes rights of all to economic mobility. To what extent are we justified in taking from the rich to give to the poor? One could debate the merits of various rates of taxation, incentives for voluntary charitable contributions, or abolition of rights of inheritance to give children of the poor a more equal start in life. Is equal economic opportunity important enough to justify spending more public funds per child to educate the disadvantaged as opposed to middle class children? Achieving equality in this case would involve financial discrimination in favor of one class by taking property from another.

C. General Welfare

By reference to general welfare or community needs one might justify several other infringements on property rights. Advocates for consumer protection stress regulation of business to guarantee the safety and effectiveness of food and drugs, cars, airplanes, household appliances. Building and zoning codes place restrictions on construction and maintenance for the benefit of the community and the safety of inhabitants. Large amounts of property are taken from owners through eminent domain for public projects such as highways, parks, airports, etc. When the "security" of the nation is at stake, price and wage controls, along with rationing, restricts economic liberty. Truth-in-lending and several other controls on financial transactions impose further limitations on both the buyer and seller in business dealings.

Yet one could propose much more severe control of business and property in the interest of consumer protection or general welfare. Health and safety standards in industry could be far more stringent (e.g. prohibiting the sale of cigarettes or outlawing all but accident-proof autos). Heavy penalties could be imposed for pollution of air and water. One might even require all companies to cooperate with a centralized consumer information bureau that would select for every shopper the best product available at the lowest price, thus eliminating hardship for deceived consumers or those unable to shop thoroughly. Finally, one might propose government ownership and control of all economic activity and the elimination of profit and other devices that allegedly lead to exploitation. Proposals like these evoke enough opposition to illustrate that in spite of our acceptance of many restrictions on property for the sake of general welfare, there seems to be a point at which rights of ownership are considered more sacred than marginal increments to general welfare. The challenge is to define this point in terms of specific public policy and to justify this decision by appeal to qualified general principles.

IV Basic Issues in the Distribution of Wealth

The discussion thus far has raised questions for public policy relevant to wealth and property, but has not described in any great detail general arguments or social theories behind some of the more specific criteria used both in defense of property rights or to advocate limitations thereon. By outlining major points in the case for free enterprise or private property and in the case for socialism, we will raise issues that tend to recur in discussions over the extent to which ownership and property rights must be limited. Recognizing the existence of differing schools of thought on both the free enterprise and socialism sides, we have tried to include the most commonly held and persuasive arguments for each case.

A. The Case for Private Property and Profit

Appeal to Tradition and Law. The fact that private property has been one of the oldest and enduring human institutions, that it is considered in the tradition of natural law to be an unalienable right, and that it has been legally protected both in common law and in the United States Constitution - all this serves for many as sufficient justification for the sanctity of free enterprise. The right is legitimated simply by virtue of its traditional acceptance in law and custom. There are, however, more complicated lines of argument.

Human Nature and Needs. Study of the animal kingdom has produced evidence that the "territorial imperative" is a mechanism necessary for survival of the species. The animal is said to require physical space or territory all his own, from which uninvited intruders must be excluded. The human version - "a man's home is his castle" - can be justified by generalizing from findings in animal studies that show actual biological and psychological harm to animals whose territory is invaded or reduced. A more positive psychological argument has been made: man gains a sense of personal worth and dignity by combining his labor with his property. Whether we speak of a farmer tilling the soil, a banker lending money, or an industrialist building an airplane, the sense of satisfaction and personal achievement is said to hinge upon the individual's right to own and work with property as he chooses. Conversely, it is argued that if these rights are taken away, men will lose the incentive to work in productive and creative enterprises. A final argument suggests that although we may not be able to prove that ownership and property rights are essential to a sense of human worth or that their denial would be biologically harmful, nevertheless, men as part of their nature do desire property rights and profit. To go against their nature would bring violence and social disintegration (that is, to change human nature is not possible).

Social Benefit. In addition to concern for meeting the needs of individual psyches or survival, private property has been defended for its contribution to social progress or advancement. The American system of free enterprise is hailed as the most effective way to bring about economic development, bringing such social benefits as longer life spans, increased leisure, improved health and education. Much of this progress is attributed to a system of free competition that provides lucrative profits, stimulating hard work, and creative thinking to meet the needs of consumers. It is also claimed that through the free market system, consumers receive highest quality for the lowest price and also the widest range of choice. To limit rights of ownership or profit-taking in ways that decrease competition among rival producers would infringe not only on the freedom of the business community, but also slow the pace of social progress and limit benefits and services for the consumer.

B. The Case for Socialism

Above we have listed as parts of the case for property and profit several arguments that oppose limitations on rights of ownership. Recognizing the danger of oversimplification we include in the case for socialism a variety of arguments in favor of limiting property rights, whether the limitations be slight (rules for fair business practices) or extensive (abolition of private property).

Inequality and Exploitation through Capitalism. Arising as protest against laissez-faire capitalism, socialists objected to vast economic inequality between owners of property and the workers they hire. The owners who control the means of production and distribution of goods and services, not only have the power to exploit working classes, but the profit motive rewards them for doing so. That is, the capitalist will reap increased profits if he lowers costs (wages paid to workers, minimum investment in safe comfortable working conditions) and raises the prices that the workers, as consumers, must pay for goods. This keeps the workers in perpetual poverty and debt to the wealthy classes who control not only jobs and natural resources but credit as well. A system that allows wealth to stay within families further exacerbates the injustice by forcing children of the poor into an inferior economic position before they have a chance to compete.

It is argued that a man deserves income and property in proportion to his needs, his working ability and his effort, not according to his success in exploiting others. Yet to prevent exploitation and to guarantee distribution of goods and services according to some combination of needs, effort and ability, ownership and property rights must be either abolished or severely restricted. The committment to economic equality (or perhaps equity) that this protest reflects has been justified by reference to natural law (unalienable rights of all men to an equal chance), Biblical doctrine, and other sources for moral reasoning.

Economic Efficiency. Apart from the ethical concern for equality, it is argued that a free enterprise system, encouraging competition among several private firms, each producing similar products, is economically wasteful. Duplication of production facilities and the large amounts of money and talent spent on advertising or taking business away from competitors exhausts valuable resources. Centralized planning and control would eliminate duplication of products and facilities and the costs of competition; these factors, combined with increasing volume of production for the central firm, would substantially reduce costs for the consumer.

Paradox of Regulated Free Enterprise. The history of capitalism has shown that unless limits are placed on business practices and concentrations of economic power that a few most successful captains of industry will gain the power to control virtually the whole economy and to wipe out free competition or rights of ownership except for the few wealthy "winners." Thus the preservation of freedom in the exercise of property rights requires restrictions on its use.

C. Summary of Issues

Arguments raised on both sides suggest several issues yet to be resolved. A) What evidence do we have for conflicting claims about the relationship between economic policy and human behavior? Are rights to private property and profit critical incentives required for productive and creative work or do they cause emotions of greed and selfishness that would decline if private property were abolished? B) What should be the relative importance of a person's needs, the energy he expends, his native ability, the responsibility he shoulders, his actual contributions to society, or his competitive economic performance in determining how much income or property he "deserves"? C) To what extent does a free market system built on private property and competition versus a planned or regulated system bring the most social progress at the lowest possible cost? D) In discussing the problem of benefits or social good of an economic system what group should serve as our frame of reference: a family, a particular social class (workers or owners), an industry (e.g. automobile production vs. telephone service), a town or a country or the world? Why, for example, should a person's native state have more claim to the wealth of a deceased person than poverty-stricken human beings in other states?

Perhaps major controversies over rights of ownership and property may become less salient in the future. Some have argued that increasing affluence would diminish economic conflicts found to be so pressing in a world of scarcity. Although one might agree with the psychological benefits of man's mixing his labor with his property, perhaps this conception of self-worth must be abandoned in a modern economy where vast, diffuse corporate organization and occupational specialization take people far away from the concrete involvement with property known in rural self-sufficient economies. Those who manage large businesses today do not own them. Even the Boards of Directors and stockholders rarely have personal holdings large enough to claim ownership. Workers in government, the professions (medicine, education, engineering,law) and business are increasingly involved in providing human services rather than making or selling goods. Are such salaried workers unable to gain a sense of mission or purpose simply because the object of their labor is not something they own? Restrictions on business and professional practices, while they may be construed as limitations on personal freedom or autonomy, perhaps should no longer be seen as violations of property rights.

V Approaches to Poverty - An Illustrative Problem

Suppose we are asked to discuss the general problem: What public policies should be undertaken to cope with the problem of poverty in the United States? In outlining three general approaches we can illustrate the relevance of arguments and concepts mentioned above.

A. The Bootstrap Approach. This suggests that each individual should be held responsible for his own economic condition, that the government has no particular obligation to give to the poor, that poverty is primarily caused by lack of motivation, poor morals, etc., and that very little can be done to correct these human failures. However tragic it may be, the poor will be always with us; those with initiative and courage will be able to rise above misfortune. The position could be bolstered by most of the arguments used to defend the extreme freedom of property or free enterprise philosophy described above, including assumptions about the importance of liberty of property in terms of human nature or social benefit.

B. Incentives for Voluntary Charity. Some would argue that it is certainly not wrong, and on the contrary would be admirable, if some segments of the population voluntarily aided the poor. Accepting most of the bootstraps argument that opposes requirements on the rich to give to the poor, one could still support policies that provided incentives for voluntary contributions from the wealthy. Tax exemptions, low interest loans, monopolistic franchises, matching grants, rent supplements, etc. are various devices by which private enterprise might be enticed to provide housing, jobs and education for the poor - not simply as a matter of social conscience, but as "enlightened self-interest" to reap financial benefits.

Policy along these lines can cling to bootstraps theory, but add the notion that wealthy classes should have the right to do social good, so long as they are not compelled or assumed to have a duty to do so. Contrary to one aspect of the bootstraps approach, the incentive approach assumes that improvements can be made; that the poor, with help, can be made to stand on their own feet, or even that outright handouts and long-term support are justified for those without the will power or skill; so long as the help is given voluntarily. The distinction between public policy designed to stimulate voluntary giving versus that designed to compel economic assistance may be hard to draw, especially when the funds to support "incentives" are taken as compulsory taxes from the public at large.

C. Massive Public Assistance. The extreme, most "socialistic" alternative, might be heavy progressive taxation on income and personal property, along with the abolition of inheritance privileges. Wealth would be distributed equitably according to some formula based on needs and work. This approach places economic equality (or equity) above the rights of private property. The moral argument states that ownership of property, instead of increasing the person's autonomy and freedom, places more social responsibility upon him. He is morally obligated to share his wealth with the less fortunate. It is denied that this approach will slow economic growth or encourage sloth and indolence. Most proponents argue that the function of such assistance should be to get the poor on their feet as independent, economically productive people eventually able to care for themselves. Some, however, would advocate permanent hand-outs for people who choose to work in occupations that fail to provide adequate income (e.g. the arts, or obsolescent crafts such as blacksmithing, cabinet building, etc.) or even for those who prefer not to work for a living. Though the latter proposal is generally unpopular, prospects of increased leisure caused by automated production of most necessities of life have led some to predict that it will some day be difficult to find economically productive work or useful jobs for a large part of the population. People may spend most of their lives "learning" instead of "earning."

While some have proposed outright grants of money to the poor or a guaranteed income without strings attached, most public assistance schemes do place limitations on the recipient. Should recipients of public welfare be penalized for having additional children or illegitimate children? Should they be prohibited from holding jobs to supplement public assistance funds? Should they be free to spend their welfare funds in any way they choose (whether for rent or liquor)? In times of sickness should the poor patient be entitled to the best medical talent or required to accept second-rate clinical care? In what ways should recipients be prohibited from acquiring certain kinds of property: real estate and "luxury" consumer goods? What "eligibility" requirements are justified: residence, age, employment status, income, number of dependents, criminal record, an oath to support the government? Should the recipient be expected to give something in return; for example, extra years in the military, peace corps or other public service? Conditions or strings attached to assistance may be seen as restrictions on the property rights of the recipients, whether we have in mind the urban poor of the United States, countries receiving foreign aid, or college students benefiting from government scholarships. The donor may claim as part of his rights of ownership the right to dictate terms on which he contributes his wealth for the benefit of others.

Proponents of alternative approaches might disagree on a number of issues: 1) The causes of poverty could be attributed to willful laziness and irresponsibility of the poor or to complex social forces for which the victims should not be held responsible. 2) Whether a given form of economic aid is likely to increase or decrease the dependency of recipients is a recurring predictive problem. 3) The extent to which a donor of wealth should be completely free to dictate its use focuses concern on the kinds of strings attached to the use of property. 4) A number of definitional problems arise: whether certain kinds of property are "necessities of life" or "luxuries"; whether certain forms of giving constitute fulfillment of required moral duty or simply an opportunity for beneficence.

APPENDIX

Paper and Pencil Tests

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1. Concept Application Test IA

PUBLIC CONTROVERSY ANALYSIS TEST IA

LEGAL, POLITICAL AND ECONOMIC CONCEPTS IN AMERICAN GOVERNMENT

NOTE TO STUDENT: This is a test of your understanding of several important ideas and concepts which are used to describe the workings of the American legal, political, and economic systems. You have probably seen, and perhaps discussed, many of these concepts in your social studies classes in school. Others may be familiar from outside reading, newspapers, TV, etc. You are not expected to be familiar with all of these terms. Do the ones you are familiar with first. Then go back to the less familiar ones. Try to answer every question. You may have the whole class period to work on the test. If you finish before the class is over, check your answers and then turn in your test booklet and answer sheet. PLEASE DO NOT MARK ON THE TEST BOOKLETS. PUT ALL ANSWERS ON THE ANSWER SHEET PROVIDED -- EXCEPT THE ESSAYS, WHICH YOU MAY WRITE DIRECTLY BELOW THE QUESTIONS. Be sure your name, teacher, and block are on the answer sheet before you turn it in.

PART I: MULTIPLE CHOICE. Pick the BEST answer for each item and put the letter of the answer beside the appropriate number on your answer sheet.

1. Which of the following rights is not guaranteed in the U.S. Constitution?

   a. Just compensation to victims of crime.
   b. Counsel in criminal proceedings.
   c. Freedom of speech.
   d. Public trial.

2. In Mill City, the elected members of the city council both make the laws and serve as judges in the courts. What important principle of democratic government is being violated?

   a. Laws should be made by a majority of the elected officials.
   b. Powers of government should be separated.
   c. Legislative bodies should be directly responsible to the people.
   d. Judges should be appointed, not elected to office.

3. The idea that people should not be quick and impulsive about overthrowing their government can be found in:

   a. Article V of the U.S. Constitution.
   b. Lincoln's Gettysburg Address.
   c. The Bill of Rights of the U.S. Constitution.
   d. The Declaration of Independence.

4. Which of the following situations involves a conflict over federalism?

   a. The U.S. Justice Department accuses the Ku Klux Klan of violating the civil rights of Negroes.
   b. Cuba accuses the U.S. of violating her air space.
   c. The Governor of Mississippi accuses the Attorney General of the U.S. of interfering with Mississippi laws.
   d. Several leading pacifists accuse the FBI of using wiretapping and other devices to pry into their private lives.

5. In which of the following situations would the Federal Anti-Trust Laws most likely be applied?

   a. General Motors Corporation purchases Ford and Chrysler Motor Companies.
   b. Government official reveals military secrets to Red China.
   c. Bank President is arrested for embezzling trust accounts.
   d. Bethlehem Steel Company refuses to give raises to workers.

6. For which of the following is the Interstate Commerce Commission most likely to pass regulations?

   a. Northeast Airlines.
   b. New England Telephone Company.
   c. Boston & Maine Railroad.
   d. New England Electric Corporation.

7. All of the following can be done by Congressional Committees, except:
    - a. Investigate topics about which Congress might want to pass laws.
    - b. Pass laws regulating certain industries.
    - c. Conduct hearings into proposed legislation.
    - d. Make recommendations to Congress about proposed bills.

8. John Edwards, hired by the AFL-CIO, tries to convince Congressmen to vote for the new minimum wage bill. This is an example of:
    - a. Gerrymandering.
    - b. Filibustering.
    - c. Collective bargaining.
    - d. Lobbying.

9. The principle that no state can deprive an individual of equal education opportunity is based on which part of the U.S. Constitution?
    - a. Article I.
    - b. Article II.
    - c. Amendment 5.
    - d. Amendment 14.

10. Under the "separate but equal" principle, schools would be:
    - a. Integrated and of the same quality.
    - b. Segregated and of differing quality.
    - c. Segregated and of the same quality.
    - d. Integrated and of differing quality.

11. "Every court in England for the past three centuries has recognized the legal right of a property owner to protect his own property," declared Judge Smyth, and fined the wounded poacher $25. What kind of "law" is Judge Smyth basing his decision on?
    - a. Statute law.
    - b. Common law.
    - c. Administrative law.
    - d. Constitutional law.

12. Which of the following is the best example of judicial review operating in the federal government?
    - a. The Supreme Court studies Alabama's new voting law and declares that it violates the Constitutional rights of Negroes.
    - b. The President reviews the records of two court-martialed solders and recommends that their life sentences be commuted and that they be made eligible for parole in 5 years.
    - c. Judge Smith of the 2nd District Court summarizes the legal issues in the mail fraud case and send the jury out to decide on its verdict.
    - d. Congress reviews the President's military defense budget and cuts $2 million from it

13. Which of the following is a major advantage of organizing a business as a corporation rather than as a partnership?
    - a. Financial aid from the government.
    - b. Less likelihood of labor problems.
    - c. Limited liability of investors.
    - d. Economies of size.

14. In 1948, Carver City passed a law prohibiting whites and Negroes from attending the same school. This is an example of:
    - a. Age segregation.
    - b. Economic segregation.
    - c. De facto segregation.
    - d. De jure segregation.

15. The best explanation of the difference between a criminal case and a civil case is that:
    - a. The defendant always has a jury trial in criminal cases, but not in all civil cases.
    - b. The state (government) is the accuser in all criminal cases, but private citizens may be the accusers in civil cases.
    - c. If the defendant loses in a civil case he only pays a fine, but in a criminal case he goes to jail.
    - d. The verdict in a criminal case may be appealed to a higher court, but it cannot be in a civil case.

16. Which of the following is the best example of "collective bargaining"?
    - a. Congressman Jones offers to vote for a bill sponsored by Congressman Smith if Smith will vote for a bill that Jones is sponsoring.
    - b. Five teachers elected by the faculty of Central High School present the teachers' salary demands to the School Committee which in turn presents them with a lower counter-offer.
    - c. Two machinists go to see the Personnel Manager and demand that he pay them double time for working the holiday.
    - d. Representatives of the AFL-CIO appear before the Senate Sub-Committee on Labor to testify against the proposed "right to work" bill.

17. Which of the following is the best example of "checks and balances" operating within the Federal government?
    - a. The Supreme Court declares the Mississippi Poll Tax unconstitutional.
    - b. The President orders all government departments to have their financial records ready for inspection by the Federal Auditors.
    - c. The Secretary of the Treasury announces that taxes must be raised to balance the increase in government expenditures.
    - d. The House Ways and Means Committee cuts President Johnson's foreign aid budget request by $500 million.

18. Which of the following business actions would the federal government most likely call "unfair competition" and take legal action to stop?
    - a. Humble Oil Co. runs a nationwide contest with $5 million in prizes to lure custome away from its closest competitors.
    - b. After Ford, Chrysler, and American Motors advertise their new car prices, which are competitive with the prices announced by General Motors, GM suddenly announces a surprise change in its prices with substantial cuts in the lower-price models.
    - c. The New York Central Railroad gives rebates on its shipping charges to General Electric.
    - d. Eastern Airlines offers free movies, cocktails, and dinners to its passengers to beat out Northeast Airlines on the Florida run.

(OVER)

19. People who would be financially hurt most during a period of economic inflation are those who:

    a. Owe a fixed amount of money on a house or other property.
    b. Have most of their money invested in property and stocks rather than deposited in savings banks.
    c. Live on a fixed income (salary or pension).
    d. Live on the commissions they make on the selling price of the items they sell.

20. The best example of the policy of "genocide" would be found in:

    a. South Africa's policy toward its black population.
    b. Nazi Germany's policy toward the Jews.
    c. Soviet Russia's policy toward non-Communists.
    d. Mississippi's policy toward Negroes.

21. The best example of the policy of "appeasement" would be found in:

    a. England's policy toward Germany just before the Second World War.
    b. Russia's policy toward Germany at the end of the Second World War.
    c. Germany's policy toward Russia during the First World War.
    d. France's policy toward Germany just after the First World War.

22. Which of the following programs would be most strongly supported by a conservative political party in America today?

    a. Increased welfare benefits for the unemployed.
    b. Lower taxes and fewer restrictions on business corporations.
    c. Protection of the rights of workers to organize and bargain collectively with their employers.
    d. Increasing government spending to combat economic recession.

23. Justice Potter of the State Supreme Court refuses to review John Smith's case because he says it involves a question of federal law which should properly be dealt with by a federal court. In so refusing to hear Smith's appeal, the Judge has raised the legal question of:

    a. Due process.
    b. Right to counsel.
    c. Jurisdiction.
    d. Habeas corpus.

PART IIA: THE LEGAL PROCESS (MATCHING): Each situation in Column I is an example of one of the four legal categories in Column II. Match the legal categories in Column II with the situations in Column I by putting the letter of the matching category beside the appropriate number on your answer sheet. You may use each category more than once.

COLUMN I

1. A bill making the sale or possession of LSD by anyone except a licensed physician a criminal offense passes the stage legislature and is signed by the Governor.

2. The State Supreme Court rules that the Boston School Committee must change the boundaries of certain school districts in order to eliminate segregation in the schools.

3. The Registry of Motor Vehicles announces that it has decided to suspend the licenses of people who refuse to pay fines for parking violations.

4. The Massachusetts Legislature lowers the minimum voting age to 18.

5. The Civil Aeronautics Board issues an order prohibiting commercial airliners from charging different fares for people on the same flight to the same place.

6. The 24th Amendment prohibits states from placing a poll tax on voters in federal elections.

COLUMN II

A. Administrative Law.

B. Judge-made Law.

C. Constitutional Law.

D. Statutory Law.

(OVER)

PART IIB: THE LEGAL PROCESS (MATCHING): Each situation in Column I is an example of one of the legal categories in Column II. Match the legal categories in Column II with the situations in Column I by putting the letter of the matching category beside the appropriate number on your answer sheet.

COLUMN I

7. "The decision of this court is unprecedented," exclaimed the defense attorney when the verdict was read. "I'll get it reversed if I have to go all the way to the Supreme Court."
/What legal right is the defendant's lawyer going to use?/

8. "I'm not going to take the witness stand," whispered the defendant to his lawyer. "That Prosecutor will twist everything I say to make me look guilty."
/What legal right is the defendant exercising?/

9. When the Judge asked Clarence who was representing him at his trial, Clarence replied, "I'm representing myself, your honor."
/What legal right is Clarence giving up?/

COLUMN II

A. Right to counsel.

B. Right to appeal.

C. Privilege against self-incrimination.

D. Privilege of habeas corpus.

Concept Application Test IB

PUBLIC CONTROVERSY ANALYSIS TEST IB

GENERAL VALUES AND POLITICAL AND ECONOMIC CONCEPTS

NOTE TO STUDENT: This is a test of your understanding of value conflicts and certain aspects of the political and economic process in America and in other countries. Most of the terms will be familiar to you -- from school or from TV, newspapers, etc. Some will not be familiar. Try to answer each question. You have the whole class period to work on this test. If you finish before the class is over, check your answers and then turn in your test booklet and answer sheet. PLEASE DO NOT MARK ON THE TEST BOOKLETS. PUT ALL YOUR ANSWERS ON THE SEPARATE ANSWER SHEET PROVIDED -- EXCEPT THE ESSAYS, WHICH MAY BE ANSWERED DIRECTLY BELOW THE QUESTIONS. Please be sure your name, teacher, and block are on your answer sheet before you turn it in.

PART I: VALUE CONFLICTS (MATCHING): Each of the ten situations in Column I presents a value conflict between FREEDOM OF EXPRESSION and one of the values in Column II. For each situation in Column I, pick the value in Column II that is in conflict with freedom of expression and write the letter of the value in the space on your answer sheet. You may use each value more than once.

COLUMN I

1. When a hostile crowd gathered and started to threaten the speaker, the police moved in and broke up the demonstration.
2. The State Department official asked the SPRINGFIELD NEWS not to reveal the number of American troops stationed in Thailand.
3. The local police told Mr. Brown he could not distribute leaflets advertising the new gambling casino he was opening up outside of town.
4. Senatorial candidate Dixon blamed his defeat in the elections on unfavorable publicity in the newspapers about his recent divorce.
5. The sound-truck moved noisily through the neighborhood, encouraging people to riot in protest over the shooting of a local boy.
6. The State Supreme Court reversed the conviction against Doctor Steele because of the TV and radio publicity before and during his trial.
7. Government officials censored the mail of U.S. servicemen in Vietnam to make sure that no information about troop movements or bombings was included.
8. General Torgeson sued the publishers of his biography for revealing intimate details about his family life while he was stationed in Hawaii during the war.
9. Mr. Black showed the controversial film without cutting the objectionable nude scenes even though the police commissioner threatened to close his theater.
10. Newspaper reporters were asked not to reveal the evidence against the arrested man before he came up for trial.

COLUMN II

A. Community morals.

B. Due process of law for people in court actions.

C. Natinnal defense.

D. Personal privacy.

E. Public safety.

(OVER)

PART II: BUSINESS (MATCHING): Each situation in Column I is an example of one of the four business practices in Column II. Match the practices in Column II with the situations in Column I by writing the letter beside the appropriate number on your answer sheet. You may use each answer more than once.

COLUMN I

1. **Standard Oil, Tidewater, and Continental Oil agree to share transportation facilities and pipelines, to maintain standard minimum prices for oil and gasoline, and to divide up the market in areas where they are in competition with each other.**
2. **National Salt Inc., which produced slightly over 80% of the salt sold in the U.S., buys out Western Salt Company, its only competitor.**
3. **When Independent Markets starts giving its customers Green Stamps, the Sun Market chain offers double Gold Stamps for a month to lure customers away from Independent.**
4. **Five independent grocery chains which share 45% of the market in the Mid-west are bought out by Consolidated Stores, Inc. In three years Consolidated buys out several more small stores and increases its share of the market to 65%.**
5. **Chadwick Engineering Co. Inc. holds an exclusive patent on the new auto safety device required by the Federal government for all new cars starting in 1968.**
6. **Acme Rent-a-Car Corp., the second largest car rental firm in the country, launches a national advertising campaign to draw customers away from the #1 company in the business.**
7. **The Civil Aeronautics Board grants Northeast Airlines a license to operate the only non-stop air service from Boston to Montreal.**

COLUMN II

A. **Monopoly.**

B. **Pooling.**

C. **Non-price competition.**

D. **Non-monopolistic expansion.**

PART III: IDEAS AND PEOPLE: Pick the person who is most likely to have made each statement below and write the letter of the person beside the appropriate number on your answer sheet.

1. "Because of its increased efficiency, a large company benefits the public."
   a. Eugene Debs
   b. Theodore Roosevelt
   c. John D. Rockefeller
   d. Samuel Gompers
   e. William Jennings Bryan

2. "The resort to violence is justified if one's cause is morally right."
   a. Andrew Carnegie
   b. Herbert Hoover
   c. Booker T. Washington
   d. John Winthrop
   e. John Brown

3. "Peaceful protests and petitions to the King of England have accomplished nothing for us."
   a. John Winthrop
   b. Samuel Adams
   c. Dred Scott
   d. Alexander Hamilton
   e. Thomas Hutchinson

4. "If the Union is to remain intact, both sides will have to accept compromises."
   a. John Brown
   b. Henry Clay
   c. William Lloyd Garrison
   d. Dred Scott
   e. Jefferson Davis

5. "America's economic problems can best be handled by private enterprise without government interference."
   a. Herbert Hoover
   b. Franklin Roosevelt
   c. Theodore Roosevelt
   d. Eugene Debs
   e. William Jennings Bryan

6. "The problem is that there are too many competing railroads serving the same area."
   a. A worker for the railroad.
   b. A farmer who ships crops on the railroads.
   c. A purchaser of the farmer's crops.
   d. A president of a railroad.
   e. A frequent passenger on the railroads.

7. "The Treaty of Versailles has placed an unjust and humiliating burden on our country and its people."
   a. Woodrow Wilson
   b. Winston Churchill
   c. Charles De Gaulle
   d. Joseph Stalin
   e. Adolf Hitler

8. "The future of our great nation depends upon the elimination of privately owned farms."
   a. Adolf Hitler
   b. Joseph Stalin
   c. Winston Churchill
   d. Franklin Roosevelt
   e. Charles DeGaulle

2.Open Ended Dialogue Analysis Test

NAME ____________________ TEACHER ____________________ BLOCK __________

PUBLIC CONTROVERSY ANALYSIS TEST #2

ANALYSIS AND EVALUATION OF ORAL AND WRITTEN DISCUSSION

TO THE STUDENT: This is a test of your ability to analyze and evaluate oral and written discussions. There are two parts to the test.

In PART I you will listen to two short tape-recorded discussions and answer the questions in your test booklet. Each discussion will be repeated twice. Then you will have 5 minutes to answer the questions. However, you may begin writing as soon as you are ready to answer the questions.

In PART II you will be given two short mimeographed discussions. You will have about 20 minutes to read them and answer the questions about them in your test booklet.

NOW TURN TO THE NEXT PAGE AND WAIT FOR FIRST RECORDED DIALOGUE:

PART I: ORAL DISCUSSION

DIALOGUE # 1: **Listen carefully and answer the questions below. Use the back of this sheet if necessary.**

1. LIST ALL THE ISSUES RAISED OR SUGGESTED IN THIS DISCUSSION:

2. WHAT IS THE MAIN POINT OF DISAGREEMENT IN THE DISCUSSION? HOW MIGHT THEY CLARIFY OR RESOLVE THIS ISSUE?

3. WHAT HAS THE DISCUSSION ACCOMPLISHED?

4. WHAT IS WRONG WITH THIS DISCUSSION? (LIST ALL THE THINGS YOU SEE AS WRONG):

5. WHAT SHOULD THE PEOPLE CARRYING ON THIS DISCUSSION DO NEXT TO MOVE THEIR DISCUSSION ALONG AND MAKE IT MORE PRODUCTIVE?

3.Multiple Choice Dialogue Analysis Test

PUBLIC CONTROVERSY ANALYSIS TEST 4

ANALYSIS OF STATEMENTS IN DISCUSSIONS

TO THE STUDENT: This is a test of your ability ot analyze and evaluate different kinds of statements made in discussions about public issues. Read each dialogue carefully and answer the questions which fillow on the answer sheet provided with this test. DO NOT MARK ON THIS BOOKLET.

PART I: TOM AND ED DISCUSS COMMUNISTS

(1) Tom: I think all Communists in America should be jailed. They're always stirring up trouble.

(2) Ed: You think that anyone who stirs up trouble should be thrown in jail?

(3) Tom: I mean real trouble -- like promoting riots or undermining people's confidence in the government.

(4) Ed: What about Goldwater's presidential campaign in 1964? That was full of attempts to undermine the confidence of the people in the government.

(5) Tom: He was just campaigning for office. Candidates always criticize the administration during an election campaign.

(6) Ed: What if he had been running for office as a Communist? Would you have jailed him then?

(7) Tom: Sure -- if he were a Communist he would be trying to overthrow the government, not improve it. That's what I mean by stirring up real trouble -- someone who has in mind the destruction of our form of government.

(8) Ed: Then you really can't tell whether a person is stirring up trouble simply by what he says. You have to know what's in his mind too.

(9) Tom: Yes, I guess so.

(10) Ed: Suppose a person intended only to give constructive criticism of the government. But he was so effective that the people misunderstood and rose up in armed revolt. He never intended this to happen. You would say that he was not stirring up trouble.

A. NOW ANSWER QUESTIONS BELOW:

1. What does Tom's statement #3 do in the discussion?
    a. Gives facts to suggest that a definition is not adequate.
    b. Gives an example to support a fact or claim.
    c. Gives criteria or example to clarify a word or phrase in the discussion.
    d. Gives evidence to support a fact or claim.
    e. Uses values to support his position.

2. What does Ed's statement #4 do in the discussion:
    a. Takes a specific position which follows from his values.
    b. Asks for a specific example to support a fact or claim.
    c. Gives an example to support a value.
    d. Gives a specific example which suggests that a definition needs further qualification.
    e. Suggests that a source of evidence is unreliable or untrustworthy.

3. What does Tom's statement #7 do in the discussion?
    a. Uses values to support his position.
    b. Suggests that a qualification is not adequate.
    c. Gives a source of evidence to support the reliability or trustworthiness of a fact or claim.
    d. Takes a different position in the argument.
    e. Qualifies or limits the way a word is used.

(OVER)

4. What does Ed's statement #10 do in the discussion?
    a. Suggests that a source is unreliable or untrustworthy.
    b. Suggests that Tom's previous statements are not very important or relevant.
    c. Suggests a way to find out whether a fact is true.
    d. Suggests that a qualification or limiting condition for a definition is not adequate.
    e. Asks for a specific example to illustrate a definition.

B. SUPPORTING STATEMENTS: Items 5 through 8 are statements of fact which you can assume are true. If they had been made at any time during the argument, would they have supported Ed's position? Tom's position" Or neither or both? On your answer sheet, circle E if the statement supports Ed's potition; circle T if it supports Tom's position; or circle CT (can't tell) if the statement supports neither or hoth of them.

5. The revised platform of the Communist Party of America states that it has abandoned revolution and intends to seek political power by peaceful means.

6. A peaceful march protesting housing discrimination in Chicago resulted in several injuries and other violence when the marchers were attacked by a mob of angry citizens.

7. The Supreme Court has said that there has to be a "clear and present danger" of violence as a result of a speech before it can be stopped.

8. Most speeches by Communist Party leaders are long and boring. You can always predict what they'll say on any issue.

C. BEST REPLY.

9. If Ed made the following statement in the discussion, what should Tom say in response? Pick the two best replies that Tom could make.

ED: The Chinese Communists don't fool around. Anybody who criticizes their government gets thrown in jail for it.

TOM:
    a. Do you think we should imitate communist methods to combat communism in our own country?
    b. How would you feel if the police threw your father in jail for criticizing the government?
    c. If you like the way the Communists do things, why don't you go live there?
    d. That's irrelevant. We're talking about the right to dissent in our own country, not in Communist countries.
    e. That's just your opinion. Nobody really believes that.

10. If Tom had made the following statement in the discussion, what should Ed's response be? Pick the two best replies that Ed could make.

TOM: When the government starts telling people what they can say or can't say, or what to think, then our way of life is on its way out and we'll become another totalitarian society.

ED:
    a. That's just a lot of emotional hogwash! What example can you give to support your definition?
    b. You're talking about two different issues. Which one shall we discuss first?
    c. Suppose we were at war. Wouldn't the government be justified in preventing people from giving secret information to the enemy?
    d. How would you like it if someone sent obscene letters to your sister and the government couldn't do anything about it?
    e. But when a speech leads to violence, the authorities have to maintain public safety.

PART II: ALVIN AND MARVIN DISCUSS DRUGS

(1) AL: Why shouldn't everyone be allowed to use the drugs he wants to?

(2) MARV: What? And walk around knifing people or stealing things to pay the high prices the pushers get?

(3) AL: But it's the stupid laws that force people to steal. If drugs were legalized, the prices would drop and so would the crimes that some addicts commit to pay for them.

(4) MARV: I don't know where you get your ideas. I think addicts are disgusting people who should be dealt with severely.

(5) AL: Your feelings are irrelevant. The fact is that the illegal dope trade is one of the biggest rackets in the country, and the only reason it exists is because of the strict narcotics laws. Many drugs are legal in England, and their crime rate isn't any higher than America's.

(6) MARV: OK, I'll admit that preventing crime isn't the best reason for opposing legalized narcotics. But, I think people who avoid the responsibility of working in their society shouldn't be supported by the rest. Why should I pay taxes to support dope addicts who don't have jobs?

(7) AL: Who said anything about supporting people? All I'm saying is that people should be free to choose what they put into their bodies. How would you like it if someone said you couldn't smoke cigarettes?

(8) MARV: Cigarettes are different. They don't put you into a narcotic daze. We're talking about drugs that take your mind offworking and facing your responsibilities.

A. NOW ANSWER THE FOLLOWING QUESTIONS

1. Which one of the following best describes what statement #3 does in the discussion?
   a. Clarifies the meaning of a disputed term in the discussion.
   b. Makes a prediction to support a policy recommendation.
   c. Suggests the other person needs further evidence for his viewpoint.
   d. Points out a competing value that has been overlooked.
   e. Shifts the topic to another question.

2. Which one of the following best describes what statement #6 does in the discussion?
   a. Gives a factual claim and evidence to support it.
   b. Gives an analogy to challenge the opponent's position.
   c. Concedes a point and makes a general policy recommendation
   d. Suggests that evidence is unreliable or untrustworthy.
   e. Makes an irrelevant statement.

3. What is Marvin doing in statement #8?
   a. Attacking the motives of his opponent.
   b. Making a distinction to challenge a previous argument.
   c. Conceding a point to move the discussion along.
   d. Making a general value statement to support a policy recommendation.
   e. Defining a term which has been in dispute.

4. At one point in the discussion there is a shift or change from one issue to another. In which of the following statements does this shift occur?
   a. 1
   b. 3
   c. 5
   d. 6
   e. None of the above.

(OVER)

B. SUPPORTING STATEMENTS: Items 5 through 8 are statements of fact which you can assume are true. If these statements had been made at any time during the argument, do you think they would have supported Alvin's position, Marvin's position, or the position of neither or both. Circle A on your answer sheet if you think the statement supports Alvin's position; circle M if you think the statement supports Marvin's position. If you think the statement supports neither or both positions, circle CT (can't tell).

5. In the U.S. many unemployed workers receive welfare or other relief payments, paid for out of taxes.
6. Surveys of drug use show that, except for heroin, many drugs are used by a wide cross-section of citizens of the U.S. from all social and economic levels.
7. Users of various drugs report wonderful feelings of escape and beautiful visions of color.
8. The history of criminal law shows that fear of punishment often operates to deter a would-be criminal.

C. BEST REPLY

9. If Marvin made the following statement in the discussion, what should Alvin say in response Pick the two best replies that Alvin could make to this statement:

MARVIN: Government surveys show that most addicts also peddle dope to support their own habits. Perhaps it's okay for a person to harm himself by taking drugs, but shouldn't he be prevented from harming others?

AL:

a. You can't trust government surveys. They want the people to think narcotics are evil anyway.
b. If addicts could obtain drugs legally at reasonable prices, they wouldn't have to rely on dope pushers, and the pushers would go out of business.
c. Well, that depends on what you mean by "peddle dope". We'd better stipulate a definition first, and then we can discuss your point.
d. That's a stupid question. Of course I wouldn't want others to be harmed! What does harming other people have to do with dope pushing?
e. I agree that the sale of drugs should be regulated, but the use of drugs ought to be left up to the individual.

10. If Alvin made the following statement, what should Marvin say in response? Pick the two best replies Marvin could make to this statement:

ALVIN: A person should be free to choose what he wants to eat or drink or smoke. Modern society is regimented enough as it is, without the government sticking its nose into one more area.

MARV:

a. What about a pregnant mother who takes drugs which can cripple her unborn child?
b. I think you'd better spell out what "personal choices" you mean before we go any further.
c. That's irrelevant. What does regimentation have to do with strict control over the use of drugs?
d. Just how do you define "modern" here? Do you mean in this century or in the last ten years?
e. The government already regulates what we eat and drink through the pure food and drug laws. It also requires people to be vaccinated against smallpox and polio. Would you do away with that too?

PART III: DICK AND JIM DISCUSS THE DRAFT

(1) Dick: Did you hear about Ed? He said he was a conscientous objector, but they drafted him anyway.

(2) Jim: That's okay by me; anybody who opposes the policies of our government should get it in the neck.

(3) Dick: Should we draft anybody who speaks against any bill passed by Congress?

(4) Jim: That's not what I meant by "policies" -- I meant in wartime. Cooperation with the government is important in wartime.

(5) Dick: But what about freedom of speech, isn't that important in wartime too?

(6) Jim: Not always. What about those radio broadcasts by traitors in World War II? And these demonstrations by the peace marchers today. Don't they just prolong the war by encouraging the enemy.

(7) Dick: But freedom of religion is important, too. Ed shouldn't be forced to go against what his religion tells him. He's being punished for obeying his conscience.

(8) Jim: I think religion is very important to Americans. Even Congress opens with a prayer every day. And church membership goes up every year. I don't see how you can say that Americans don't have freedom of religion.

NOW ANSWER THE FOLLOWING QUESTIONS:

1. Which one of the following best describes what Dick's statement #3 does in the discussion?
    a. Challenges a general value with an analogy.
    b. Shows a different way of looking at the subject under discussion.
    c. Points out an implication of the previous statement.
    d. Concedes a point in order to move the discussion along.
    e. Asks for clarification of a technical term used by his opponent.

2. Which one of the following best describes what Dick's statement #5 does in the discussion?
    a. Introduces a competing value which has been overlooked by the other person.
    b. Defines a concept to move the argument along.
    c. Challenges the motives of the opponent.
    d. Points out the irrelevance of the previous statement.
    e. Suggests that the opponent has contradicted himself.

3. In which of the following statements in the discussion is a new issue introduced?
    a. 2
    b. 4
    c. 6
    d. 7
    e. None of the above

4. Which one of the following statements uses examples to support a general value claim?
    a. 1
    b. 3
    c. 4
    d. 6
    e. 8

5. What should Dick's response to Jim's last statement (#8) be? Pick the two best replies:
    a. I agree that religion is important in America, but free speech is important too.
    b. I didn't say anything of the kind. All I said was that the government is forcing Ed to go against his religious beliefs.
    c. Daily prayers in Congress and rising church membership don't help Ed much, do they. Is that what you mean by religious freedom?
    d. What evidence do you have that church membership is going up? I don't think it is.
    e. They shouldn't have daily prayers in Congress. The Supreme Court said it was unconstitutional in schools, so it should apply to Congress too.

4. American History Factual Recall Test

NAME:______________________________

TEACHER: ____________________________

BLOCK: __________

AMERICAN HISTORY OPEN RECALL TEST

INSTRUCTIONS: Below are 12 important topics or events which anyone who has studied American history should know something about. On the following sheets write down all you know about each of these. This is not an essay test! Do not worry about writing complete sentences or how well organized your answer is. Do not write your opinions. Your score depends on how much relevant and correct factual information you can put down about each of these in a limited period of time. Be as specific as you can. Allow about four minutes for each item. Try to cover all the items, since there is a maximum number of possible points for each item.

TOPICS IN AMERICAN HISTORY

1. Causes of the American Revolution
2. Articles of Confederation vs. the Constitution [compare]
3. Hamiltonian Federalism vs. Jeffersonian Republicanism [compare]
4. Jacksonian Democracy
5. Manifest Destiny and Westward Expansion
6. Causes of the Civil War
7. Radical Reconstruction following the Civil War
8. Growth of Industry and Organized Labor following the Civil War
9. Government Regulation of Business since the Civil War
10. Reforms of the Progressive Era [1900-1920]
11. How the U.S. became a World Power [1898-1945]
12. The Depression and the New Deal

5. Teacher's Rating Form

HARVARD PROJECT SOCIAL STUDIES EVALUATION

STUDENT RATING FORM: PERFORMANCE IN CLASS DISCUSSION

(student's name)_____________________________(class)_______ (block)___________
LAST FIRST

1. Participation in class discussions (please check appropriate category below):

______frequently volunteers; hand-waves

______off and on; volunteers sometimes

______rarely volunteers

______responds only when called upon

______doesn't respond even when called upon

2. Role in discussions (please rate student on scale below -- 1 = verabally agressive; attempts to dominate discussion; 7 = shy & retiring; clams up)

____:____:____:____:____:____:____
1 2 3 4 5 6 7

3. Quality of contributions to discussions (please rate student on scale below -- 1 = excellent: perceptive, etc.; 7 = poor: irrelevant or very superficial)

____:____:____:____:____:____:____
1 2 3 4 5 6 7

Additional comments (?):

TEACHER'S INITIALS:_______________

6. The Scholarship Case

THE SCHOLARSHIP CASE

HARVARD PROJECT SOCIAL STUDIES: DISCUSSION OF PUBLIC ISSUES

Although the following story is purely fictional, the incidents and problems in the story are authentic. In order to help you keep track of the several people involved, the following is a list of the main characters -- in order of their appearance in the story:

PETER SOUZA: Student at Bernford High; wrote controversial editorial on Vietnam; distributed pamphlets on how to beat the draft; name is on the list of applicants for Town Scholarship.
MR. NOBLUNG: Principal of Bernford High School.
MR. TRASK: Pete's Guidance Counselor.
JOE HARRISON: Age 42; lawyer; Chairman of the School Board; potential Republican candidate for Congress.
CALVIN BROWN: Wealthiest citizen of Bernford; factory owner; conservative Republican; local newspaper publisher.
SYLVIA MARTIN: Pete's girl friend; co-editor of student newspaper.
SAM FLEMING: English teacher and faculty advisor for the student newspaper.
GARY WELLER: Editor of school newspaper; applicant for Town Scholarship.
ALICE WENTWORTH; JOHN CALVAROS; TONY MEDEIROS; HARRY SILVERMAN; ARTHUR WHITEHEAD; TIM FINNEGAN: Other School Board members.

Peter Souza had many talents, but none of them were applied to getting good grades at Bernford High. He liked to argue -- about politics, sports, sex -- and Dan Moynihan, who directed the Debating Team, said he was the sharpest debater he had ever seen. Unfortunately for the team, however, Pete said that formal debating 'cramped his style', and confined his debating to P.O.D. class, where he and Mr. Moynihan often spent whole periods arguing while the rest of the class watched or exchanged notes.

Pete also liked to write, and a few of his short stories were published in the school newspaper; but, if he wasn't interested in an assigned topic, he would either conveniently forget to do it or dash off some nothing at the last minute. Music, acting, and cars were Pete's other interests -- next to girls, of course. In his sophomore year, Pete formed a folk-rock band with Charlie Silva and Tony Mitchell. They called themselves the "Cooties" and within a few months they were in great demand for various parties and dances. Pete announced the songs and cracked jokes between sets. According to the girls, he was the "coolest" member of the group, and Peter Souza enjoyed every bit of this popularity.

The school administration didn't appreciate the Cooties as much as the students did. As part of their "image", Pete, Tony and Charlie let their hair grow long and wore mod clothes. One day Mr. Moblung, the Principal, called the boys to his office and explained to them that several teachers had complained that their hair was a distraction to the other students in their classes. They were to get their hair cut or face disciplinary action. Charlie and Tony tried to explain that their long hair was part of the professional "costume".

"Well, why don't you use wigs and cut your own hair?" Mr. Noblung asked.

"Because, Mr. Noblung, how we wear our hair is really our own private business," retorted Pete. "It shouldn't be subject to school regulation. Besides, we aren't the only ones....other boys are letting their hair grow too."

"But you forget that the school has a code of dress for students -- a code drawn up and approved by the Student Council and the Faculty. The code requires students to be neat and well groomed in school, and I consider a proper haircut to be included in that." He gave the boys a week to have their hair cut or face suspension.

The boys discussed their situation and decided to risk suspension. Meanwhile, Pete circulated a petition among the student body calling for abolition of the school dress code. On Friday, Mr. Noblung ordered the boys suspended indefinitely.

On Saturday, the Cooties performed at the Spring Dance, which was attended by over 300 students. During the intermission, Pete made a short speech opposing the school dress code and calling for a student strike if the school administration refused to abolish or revise the code. The students cheered!

When a student delegation tried to present their complaints to Mr. Noblung on Monday, he refused to see them. The next day over 200 students marched out of school in protest. Parents and town officials called the superintendent's office demanding explanations: some demanded stern disciplinary action; others wanted to know why the school insisted on maintaining the code in the face of such strong opposition. The following day, Mr. Noblung agreed to review the code. The striking students returned to school on Thursday.

After a long discussion between the student delegation, the Student Council, and the school administration, most of the dress regulations were dropped from the code, including rules about long hair for boys and knee-length skirts for girls. They agreed, however, to keep restrictions against short shorts and hanging shirttails.

Mr. Noblung lifted the suspension against Pete, Charlie, and Tony.

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In spite of the attention they received as a result of the dress code furor, the Cooties' popularity waned, and the boys decided to disband over the summer. During his junior year, Pete turned his attention from music to acting: he joined the Dramatics Club and played comedy parts in several productions, often receiving more applause for his performance than the lead actor. But, for all this musical and dramatic interest and ability, Pete's academic interest was practically nil and his grades remained only average.

At the beginning of his senior year, however, Pete decided that he wanted to become a lawyer and go into politics. He took stock of his chances for the necessary college education: Although his grades were only average, he figured he could balance them out if he did well on the College Boards. His Preliminary Aptitude Test scores were good but not outstanding. Mr. Trask, his Guidance Counselor, said he could probably get into State University without much trouble; but State was 150 miles away -- to far to commute -- and it would cost at least $1500 for room and board and other expenses for the school year.

There was one other possibility. Sims College was within commuting distance and had an even better program in pre-law than State. However, the tuition there was $1700 a year and it was 20 miles away, so he would need his car to get there. The car would cost him some $200 just for insurance, not to mention gas and repairs.

Pete added up his financial resources. He had $100 in the bank. (His father had saved about $1000 toward Pete's education, but last summer Mrs. Souza had had to have a major operation and the money went for medical bills.) Pete worked part time at the A & P and made $25 a week, of which he gave $10 to his mother to help out with expenses.

When the guidance office called Pete in about his college plans, he didn't feel much like talking. "What's the use of applying to college if I can't afford to go and don't have the marks for scholarships?" he asked Mr. Trask.

"There's no harm in applying," Mr. Trask encouraged. "Besides, you just might be able to get some money. The new Bernford Town Scholarship was set up for students like you who don't qualify for other scholarship awards. Your marks may not be outstanding, but you have a lot of native talent and drive, and these are important considerations for the Town Scholarship."

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A year before, a group of citizens and teacher who felt that many able students were unable to go to college because their parents were too poor and scholarships were not available, decided to try to raise money for a town scholarship fund.

Bernford was a poor town. Most of the people made their living from two depressed industries: fishing and textile manufacturing. Before the Depression, Bernford had been a major textile center, but hard times took their toll, and only two mills were now operating. Under pressure of competition from better equipped foreign fleets, the fishing industry also suffered. Only the local scallop fishermen still made reasonable money. The median family income in Bernford was $4600 -- well below the national average. Two-thirds of the families who lived and worked in Bernford struggled along on incomes of under $5000 a year.

Because of the low income of most families in Bernford, most students could not continue their education beyond high school. Twenty per cent of the student body left school at sixteen to work and help support their families. And then, competition from surrounding communities left Bernford High students with little available scholarship money. In order to remedy the scholarship situation, the School Board formed a committee called the Bernford Citizens for Higher Education. Joe Harrison, a lawyer who had just been elected to a three-year term on the School Board, was asked to be the Chairman. After several months of door-to-door soliciting, raffles, and other fund-raising devices, the committee had only collected $3000. Then Joe received a note from Calvin Brown of the Brown Textile Mills, asking Joe to meet with him for lunch on Friday.

At lunch, Brown told Joe, "I'm much too busy with my business to give my time to your committee, Joe, but I'd like to help out. As you know, I'm on close terms with the wealthiest people in this town. They haven't contributed to your scholarship fund because it doesn't interest them. Their own children go to private schools and they feel that they contribute enough in taxes. The result is that only the sons and daughters of the rich are being educated. The rest are ignorant. They don't know what's going on; they listen to some of these fuzzy-minded liberals, and they don't understand the dangers of government interference in our system of democracy and free enterprise. I don't mean to make a soap box speech, Joe, but I'm really concerned. If we don't do something to educate more of the kids in this town, then this town will be just one more to crumble into socialistic ways....and it's small towns like this that lead the whole nation, eventually... Well, anyway, I want to do my part, and I'm sure that if I make a large donation some of the other people will donate too."

"What did you have in mind, Mr. Brown?" Joe asked cautiously.

"Well, let's say $10,000 this year, Joe. And, if the thing works out, I'll contribute more again next year. At least this should get your fund started off."

"It certainly will," replied Joe. "But who's going to administer the scholarship money?"

"I'll leave that to you, Joe. As Chairman of the Scholarship Committee and of the School Board, I'm sure that you will see that the funds are handled in the right way. Why don't you set up a special trust fund under the control of the School Committee. As long as the fund is kept separate from these crooked politicans downtown, I'm perfectly willing to trust my money to your committee. I'll write you a check now."

Joe pocketed the check, shook hands warmly with Mr. Brown, and carried the good news to the other committee members. Within two weeks, the Scholarship Committee received $7000 in checks from nine of the town's wealthiest citizens. This, together with Mr. Brown's $10,000 and the $3000 they had already collected, gave the committee $20,000 to give out in scholarships to qualified candidates from this year's senior class.

Two kinds of scholarships would be awarded -- full and partial. Under a full scholarship, all tuition plus room and board would be paid directly by the School Board. In addition, each student would be given a monthly allowance of $40 for books and other incidental expenses. Partial scholarships were for students who could pay for some of their expenses but needed help to make up the difference. Monthly checks ranging to a maximum of $100 would be sent directly to the student. Once in college, scholarship holders were expected to maintain an all-over grade average of no lower than B-. If an average dropped below B- for the year, the Board could withdraw the money for the following year; however, once a scholarship was awarded to a student, the money could not be taken away during the school year unless the student dropped out of college.

The School Board sent a notice to the Principal and Guidance Counselor at the High School, explaining the procedures for applying. A student who wished to apply had to fill out a long form with a detailed financial statement listing all his expected expenses and all possible sources of money available to him. The applications went to the student's Guidance Counselor, who then asked for reports or recommendations from the student's teachers and others listed as references. Grades, College Board scores, and other intelligence and achievement test scores were added in. Finally, the Guidance Counselor himself wrote a report giving his opinion of the student's potential and qualifications and put everything together into a single folder to be sent to the School Board.

The School Board members were provided with copies of each student's application records and recommendations and had a few weeks to study them. Then the Board held a special meeting to discuss the applications and vote on the scholarship awards. Unlike other Board meetings, the scholarship meeting was not open to the press or the public -- to avoid embarassment to applicants who did not get awards.

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Mr. Trask gave Pete an application. "You don't have the best grades, but I think you will rate high in all-round potential," he concluded.

Pete left the office and decided to try for Sims College and the Town Scholarship.

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In his senior year, Pete's extracurricular interest shifted from dramatics to politics and journalism. He helped organize an independent student newspaper -- THE STUDENT VOICE -- and edited a column on current affairs. His co-editor was Sylvia Martin, a very pretty girl who spoke her mind openly and freely. Pete liked her, and their friendship went beyond the newspaper office.

The STUDENT VOICE was different from the ordinary student newspaper. It was run entirely by a group of students who felt that they should deal with serious issues and should not simply print a collection of trash about who was dating who with nice words from the principal. Same Fleming, who taught English and creative writing, agreed to help with the technical aspects, advising them on matters of form, style, etc.

In the weekly issues of the VOICE, Pete and Sylvia tackled such issues as civil rights, capital punishment, censorship, etc. Their views were often controversial and brought critical comment from townspeople who read copies distributed at the local newspaper agency. Some people applauded them for their independent thinking; others critized them for showing disrespect for authority and the moral standards of people in the community.

On March 5, Pete received a letter of acceptance from Sims. But, they had no scholarship money for him, so everything depended on the Town Scholarship. Two weeks later, Mr. Trask called him in and told him, confidentially, that his name was on the list of scholarships being sent to the School Board for consideration at the first meeting in April. After school that same day, Pete and Sylvia met to discuss their next editorial column. "We've hit most of the big issues already this year," observed Pete. "What's left?"

"How about Vietnam?" suggested Sylvia.

"All the papers are full of letters and editorials on Vietnam. College students, professors, clergymen -- they all write letters to the papers almost every day. What can we add to that?"

"We could print an open letter to the President, protesting the war....If college students can send letters, why not high school students too? I think it's about time we spoke up. I feel strongly that the war is wrong, and I know other students who feel the same."

"Say, that's great. Maybe we can stir up some excitement like we did with that editorial on censorship. Get some of the stuffed shirts in town riled up and writing letters saying how 'disrespectful' we are. We'll get more kids to sign the letter, and then we can send a copy to the NEW YORK TIMES, too. I bet they'll publish it."

Two day later, Sylvia and Pete showed Mr. Fleming the letter. "This is pretty controversial stuff, Pete," commented Mr. Fleming. "There's likely to be some angry reaction to it."

"That's the point, Mr. Fleming," Pete retorted. "They expect us to go and fight over there, but they don't like us to question their policies. If we can't critize our own government's actions, then what are we fighting for anyway? And anyhow, we're not the only ones who feel this way....We have fifteen other signatures already."

The following week the STUDENT VOICE came out with the open letter:

WE ARE ASHAMED:

Dear Mr. President:

We the undersigned, students at Bernford High School, are ashamed of what our country is doing in Vietnam. We are ashamed that a great nation, which began with a revolution against British tyranny is now imposing a tyranny over the people of Vietnam. We are ashamed of the killing of thousands of innocent civilians with bombs and napalm from American planes. We are ashamed that the most powerful military nation in the world is raining explosives down on a little country that is almost defenseless against the air power of the U.S. We are ashamed that Negroes who do not enjoy the full rights of citizenship in their own country are being used to fight a white man's war against an Asian people. We are ashamed that the lives of many of our own soldiers are being sacrificed in a stupid crusade against "communism" in Asia.

Funds are being taken away from important programs to combat poverty, ignorance,and disease in our own country, while billions of dollars are spent on a cruel inhumane, senseless war in Vietnam. The "Great Society" remains an empty promise while the horrors mount up in Vietnam. Schools are still not integrated, and slums are worse than ever. The progress and prosperity which many people in our country have enjoyed in the past ten years is being threated by higher taxes, tight money, and uncertainty over the cost of the war. We have problems enough with poverty, racial discrimination, the mounting crime and violence in our cities. Vietnam's problems should be solved by the Vietnamese themselves, without our interference. All our intervention has accomplished so far is to bring death and destruction to large areas of both North and South Vietnam. The problems of that country are no closer to solution today than they were before we first interfered.

> We protest the drafting of large numbers of poor whites and Negroes to fight an undeclared war in Vietnam. Drafting civilians into the army, when Congress has not declared war, is unconstitutional. Draftees have no say in what their country does and what happens to them in war. It is just like Nazi Germany: citizens are expected to follow their leaders without any voice in the policies which affect their lives.
>
> We as future citizens of this country are ashamed of the part we are playing in the devastation of Vietnam. We urge you to end this war and pull our troops out of Vietnam immediately. Only then would we feel proud, once more, to be Americans.
>
> The letter was signed by Pete, Sylvia, and thirty-three other seniors.

The School Board members received the list of scholarship nominations the day after the open letter was published. That night, the School Board Chairman, Joe Harrison, received a call from another Board member , Mrs. Wentworth, of Wentworth Department Stores. "Have you seen that awful letter in the student paper?"

"Frankly no, Mrs. Wentworth. I've been out of town on business."

"Well, it's treason! Those students said they are ashamed to be Americans. And one of them has been recommended for scholarship. I'm certainly not going to vote any money to the likes of him. Somebody ought to find out what is going on in that school...I never..."

Joe interrupted: "I'm in no position to discuss this now, Mrs. Wentworth; I haven't read the letter or looked over the list yet."

"Well, you ought to! It's a disgrace! And those scholarships are our responsibility, you know..."

Joe hung up and shuffled through his mail to find the letter in the STUDENT VOICE. It was pretty emotional and strongly worded, he thought. He had his own doubts about the Administration's policy in Vietnam. Joe went to his file and pulled out a folder on the Vietnam situation. He scanned through the report to the final paragraph:

> As of the beginning of 1967, the U.S. has about half a million troops in South Vietnam. Our troops are doing most of the fighting, although there are about 250,000 in the South Vietnamese Army. An average of about 170 American soldiers are killed each week. Over 8000 Americans have been killed and over 45,000 wounded in the war thus far. The U.S. has spent about $25 billion in the war since 1964; another $22 billion is planned for next year. In 1965, when bombing of North Vietnam began, about 6000 bombing missions were flown; last year, 1966, over 24,000 bombing missions were flown. The Defense Department admits to having lost over 1700 planes and helicopters, and claims to have destroyed 5000 barges and boats, 3000 railroad cars, 7000 trucks, and 2/3 of North Vietnam's oil supply. Nevertheless, neither the Viet Cong in the South nor the North Vietnamese have shown any signs of weakening or suing for peace.

Attached to the summary were several news clippings about recent events in Vietnam: a clipping from the NEW YORK TIMES about American bombing of civilian areas in Hanoi; several clippings about accidental American bombing of friendly villages where Viet Cong were suspected to be hiding; reports of terrorist attacks on Americans in Saigon; protests by American scientists against the use of gas and chemical warfare by our forces in Vietnam; and finally two articles on the injustices of the present draft system.

The following morning, Joe got a call from another Board member, John Calvaros, a machinist and vice-president of the local textile workers' union: "Joe, I've had five calls this morning asking about that letter in the student newspaper and why two of the signers were getting scholarships. I thought nobody is supposed to know about the nominations. We haven't even met to discuss them yet! What's the story?"

"I don't know, John. Somebody must be talking. It might be Alice Wentworth. She called me last night all worked up about the Souza boy's nomination and the letter..."

Joe hung up and turned to the folder containing the names and records of students nominated for scholarships. He pulled out Peter Souza's record. Pete was first on the list in so far as financial need. Comments by his teachers were varied: one teacher said [illegible] had tremendous potential but was lazy; another thought he was too much of a non-conformist and expressed doubt as to Pete's willingness to settle down to serious academic work in college; another praised him for his independence and felt that he would make a fine lawyer.

Joe thought about his own political future. The Congressional elections were coming up next Fall. The Democratic Congressman from Bernford County, Vito Capra, had been in Washington for 30 years -- ever since the Depression. Years ago he had been a colorful, fiery champion of the poor, who had helped get the needed government aid for Bernford. After the war, Vito mellowed and slipped into corruption. The Democrats built up a powerful political machine around him and milked the taxpayers while the town suffered from ancient overcrowded schools, inadequate medical facilities, and worsening slum conditions in the older sections of town. A lot of people got jobs with the town and kept voting the same politicians back in, even though they knew they were crooked grafters. But in the last few years people had been getting restless. Taxes were rising; crime and organized gambling were on the increase; the voters were getting fed up and wanted a change. But who would have the nerve to buck Capra and the machine? The last Republican candidate to try it had lost by a two-to-one margin.

A group of leading Republicans, including Calvin Brown, had approached Joe to run for Congress against Capra. They told him he had the best chance of anyone and that they were prepared to back him in his campaign. Joe was eager. Here was a chance to smash the machine and really do something for the town and its people. He didn't like the idea of having to depend on money put up by these wealthy people, but he had no choice. He only had a few thousand dollars of his own, and it would cost at least $100,000 to run a successful campaign against Capra.

The phone range again. Joe picked it up. It was the Superintendent of Schools, Dr. Farrow. "I've been getting anonymous calls about Peter Souza and the scholarships. These people are threatening my job if we don't reprimand those students who signed the letter and withdraw Souza from the scholarship list."

"Have you any idea who the callers are?"

"Not the slightest. How do they know about the nominations, though ? That's supposed to be confidential."

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Joe's secretary brought in a copy of the BERNFORD HIGH STAR which was the official school newspaper put out each month by students in the English department at the high school. The STAR was a much more impressive-looking paper than the VOICE and had the support of the school administration. Joe looked at the headline at the top of the first column on the left: "Students Support President on Vietnam". The editorial attacked the anti-Vietnam letter in the VOICE:

> The opinions expressed in the recent editorial in the VOICE represent the views of a small minority of students who are on the fringe of thinking at the high school. The editors of the STAR feel confident that they speak for most of the students in condemning their emotional display and supporting our country's policies in Vietnam.

The editorial was signed by Gary Weller for the editorial staff. The name sounded familiar, and Joe reached for the folder containing the scholarship applications and recommendations.

Gary Weller was one of 5 editors of the STAR, who took turns writing monthly editorials during the school year. This year he was elected captain of the Track Team and also made the Debate Team. Gary got A's and B's in English -- he liked to write and enjoyed literature; but his grades in his other subjects were mostly C's. Gary had applied and been accepted at the School of Journalism and Communication at the State University, but he needed a full scholarship to go there. Gary's father was killed in the Korean War, when Gary was only three. His mother was a secretary in the school superintendent's office. Even though she received a modest government pension, things were tight. Gary's older sister, Cynthia, was in her second year at State, and there just wasn't enough money in the Weller household to support two children in college at the same time. Mrs. Weller told him that he'd have to postpone school if he didn't get a scholarship.

Joe pulled out Pete Souza's application and compared their test scores. Peter scored higher on the Math aptitude test, but they were within 5 points of each other in Science and English. Gary was slightly higher on the College Boards, but not enough to make any significant difference.

Joe glanced through Gary's recommendations. His teachers generally characterized him as conscientious, but not outstanding, a student who did what was expected of him. Mr. Fleming, his English teacher, wrote: "He's dependable. He expresses himself fairly well on paper, and occasionally shows originality and imagination. Mr. Moynihan noted that Gary took very conservative political positions in P.O.D. class and had written a pretty respectable essay on "The Dangers of Too Much Democracy" as a term paper. On several occasions Gary had brought in literature from right-wing conservative organizations -- including the John Birch Society -- for Mr. Moynihan and the other students to read.

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That evening, Joe met with Calvin Brown to discuss Joe's candidacy for Congress. Brown brought up the subject of the open letter. "That's a real headache," Joe commented. "The School Board meets Monday to decide on the scholarships, and one of the students who signed the letter is on the list."

"I heard about that. You aren't going to give him a scholarship, are you Joe?"

"It's not my decision. The whole Board has to vote on each award, and the majority decides. If I know the other members, the vote will be close."

"But surely you'll use your influence as Chairman. There must be other qualified candidates who are more patriotic than Souza."

"Well, perhaps there are. I haven't looked over the whole list yet. but Souza's recommendations are pretty strong. If we vote down his application people might think it was on account of that letter."

"That wouldn't bother me, Joe. My friends and I didn't contribute our money to finance the college education of a disloyal student. The big contributors to the scholarship fund this year won't give next year if they don't like the way the awards are handled. You have to consider that, you know."

"That's true, but I don't like being put on the spot this way."

"You don't agree with those kids who wrote the letter, do you?"

"No, but some of their criticisms are hard to answer. I'm not satisfied with the way the war is being run either."

Mr. Brown took a fatherly tone. "Look, Joe, this is not time to jeopardize your chances for that Congressional seat by getting involved in an explosive issue over Vietnam. You could lose a lot of votes if you do the wrong thing. Besides, you have to consider your financial supporters. I'm not sure my friends will help you if they don't like the position you take."

"Do you think they'd actually back out?"

Calvin brown shrugged. He glanced at his watch: "I have to run along now, Joe. I have an important meeting at my club. Think it over. I know you'll do the right thing."

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The following Monday night the School Board met to discuss and vote on the scholarship applications. Each Board member ranked his first 5 choices and they quickly agreed on 3 full scholarships and 6 partials. The first 3 choices were clearly superior in grades and test scores, as well as recommendations. Enough money remained for one more full scholarship. The strongest remaining contenders were Pete Souza and Gary Weller.

Tony Medeiros, who owned a fleet of scallop boats, began the discussion: "My son is in Vietnam now. How will it look to our boys over there when they hear that we gave a scholarship to a Vietnik student. I think we should give the scholarship to Gary Weller. There are enough Pete Souza types in our colleges already."

Arthur Whitehead, partner in a local law and insurance firm, replied: "You have a good point, Tony, but we might be accused of favoritism. After all, Gary Weller's mother has been employed in the school administration office for several years, and everyone knows that. Besides, the word is out that we're being pressured about the Souza application. I don't know how the people will react."

Alice Wentworth jumped into the debate: "I don't know what you mean by 'pressure'," she said coldly. "This is a Town Scholarship Fund and the people in the community have a right to express their opinions on how the Board awards the scholarship money. As for me, I'd sooner resign than see money given to a subversive student."

Tony Medeiros spoke up again: "It's not just the letter. My daughter saw Souza passing out pamphlets in front of the school today. She took one and brought it home. It's called "How to Avoid the Draft," and it's put out by one of those radical pacifist organizations in New York. I think Souza's a troublemaker. From what I can see Gary Weller looks like a fine boy who will be a credit to the town and his country. We can use a little more of his kind of patriotism these days."

Dr. Harry Silverman interrupted: "All we've talked about is the political problem here. I haven't heard anything about the qualifications of the two candidates."

Arthur Whitehead replied: "Frankly, Harry, their grades and test scores are so close it's almot impossible to decide on that basis. Both candidates have good recommendations, although neither of them is an outstanding student. Still, we have to make a choice, so other considerations are important."

"Well, as long as we're talking about other considerations," replied Dr. Silverman, "How might the Scholarship Fund for next year be effected by our choice?"

Joe Harrison spoke: "I've spoken to Calvin Brown, and there's a chance we might lose some big contributions if Souza gets the scholarship."

"That's an important consideration," Arthur Whitehead jumped in. "We may be risking the futures of other deserving students next year if we gamble on Souza."

Then Tim Finnegan spoke up. Tim owned and operated a restaurant and tavern downtown and had some influential political connections with the Democratic Party: "My father died fighting for Irish freedom in the Easter Rebellion, and I think the people of Vietnam are fighting for freedom too. We should help them instead of putting them down like the British tried to do to us. I agree with the kids who signed the letter, and a lot of people I know do too, only they don't want to say it openly. If you give Weller the scholarship just because he seems safer, you're likely to be making a serious mistake."

Joe noticed that Tim glanced in his direction when he said this. He wondered if Tim was making a political threat.

"Just a minute, gentlemen," interrupted Alice Wentworth. "I've done a little investigating about that Souza boy. Do you know that he has an uncle who refused to testify before a Congressional Committee investigating subversive activities in this state? Is that the sort of background that qualifies a student for financial aid from the town of Bernford? And another thing: Lucy Martin, who is a close friend of mine, tells that her daughter Sylvia has been coming home with all sorts of radical ideas since she started going out with Peter Souza and working with him on that newspaper. I think he's a born rabble rouser. Why, I remember when he led the students out on strike against the school dress code two years ago -- just because he didn't want to cut his hair."

"Gary Weller isn't exactly neutral in his polticial ideas either," John Clavaros pointed out. "It says in his folder that he brings John Birch Society literature into school for other students to read."

Dr. Silverman suggested a straw vote to see where they stood on the choice. John Calvaros and Tim Finnegan voted for Souza. Tony Medeiros and Mrs. Wentworth voted for Weller. Arthur Whitehead, Joe Harrison and Dr. Silverman abstained. The discussion continued.

Finally, Joe Harrison spoke: "We have to make a decision tonight. Let's indicate our choices by secret ballot and that will be it."

The other Board members agreed, and the slips of paper were passed around.

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The story you have just read leaves the Board's choice to you. Who should get the full scholarship award -- Pete Souza or Gary Weller? How would you justify your decision if you were Joe Harrision?

Please fill out the attached questionaire and turn it in.

7. The Dialogue Rating Scale and Rating Instructions

THE DIALOGUE RATING SCALES

RATING INSTRUCTIONS

I. GENERAL INTRODUCTION

The Dialogue Rating Scales attempt to measure some dimensions of oral dialogue about controversial issues. In all there are eight five-point scales to rate specific characteristics of the discussion behavior, two dichotomous "scales" which rate the "balance" between discussants and their involvement in the discussion task, and a single global scale (also 5 points) to rate the overall intellectual quality of the discussion. (see the attached rating form)

1.1 RECOMMENDED RATING PROCEDURES TO ENHANCE CONSISTENT, "OBJECTIVE" RATINGS:

Rating taped or live oral discussion behavior using scales such as these poses special problems so far as obtaining "reliable" ratings is concerned. There are two major aspects to this problem. The first is the consistency with which a single rater applies the scale criteria and adheres to the same standards of rating across many discussions. The second aspect is the degree to which two or more different raters (ostensibly) using the same criteria will arrive (independently) at the same ratings for the same discussions. Both aspects involve "consistency" -- intra-rater consistency and inter-rater consistency.

To enhance the consistency of ratings on these scales we would recommend that teams of two or more raters be used at first. After the raters familiarize themselves with the rating procedures and conventions for each scale they should attempt to rate a discussion together. That is, listen together, but rate independently. Then compare ratings on each scale and discuss any differences or problems. The major sources of disagreement are likely to be: (1) different conceptions of how the criteria apply to the behavior; (2) conceptual confusion between scales which are similar on the face; (3) application of different normative standards for rating; (4) differences in perceptions of the actual discussion behavior.

The first two problems -- disagreement over application of criteria and inter-scale confusion -- may be resolved either by reference to the conventions in this manual or by modifying these conventions or adopting new ones which the group can agree on to satisfy the rating criteria. When ratings "split", i.e., most ratings cluster together around one point on the scale and one "deviant" rating is way off, the problem may be a difference in general level of rating. However, this can only be confirmed by a scoring trial over several discussions. Finally, disagreement over the actual behavior in the discussion may be resolved by playing back a portion or portions of the tape.

When the raters reach agreement on the standards for applying the scale criteria, the next step is to independently rate several discussions, check agreement and meet again to resolve any remaining differences. Once the raters are satisfied that they are rating consistently, rating can be done individually with periodic re-rating and double rating as a check on reliability.

1.2 SOME CAVEATS

There are some major problems involved in the use of rating scales in general. The rating tendencies listed below may not be avoided, but raters should be aware of them.

1.21 Tendency to favor the person whose opinions are most like your own.

1.22 Tendency to rate the whole discussion on the basis of one critical part of it.

1.23 Tendency to avoid extreme ratings (1 or 5).

1.24 Tendency to rate an individual low on a trait on which the rater considers himself high.

1.25 Tendency to rate all scales similarly - i.e., the "halo effect."

1.3 ESTABLISHING GROUP NORM FOR OVERALL QUALITY RATINGS

It is important to establish realistic norms for the group being rated, not some theoretical ideal. The norm for the discussions rated in this sample is the range of quality of discussion behavior one would expect from average to above average high school seniors.

Ideally, it would be desirable to "anchor" the scales by playing examples of the best and worst in the sample to be scored. However, this may be impractical especially if the identities of the discussants are masked to avoid rater bias due to personal knowledge of the discussants. It may be desireable to adjust some ratings toward the extremes once the rater has a better "feel" of the range o behavior after rating several discussions. This manual provides criteria to help anchor the ends and midpoints of the 8 descriptive scales.

1.4 RATING THE DISCUSSION vs. RATING INDIVIDUALS

The scales to be described below have been used to rate two-man discussions without differentiating between the individuals in the discussions. Only one rating is made per scale. If the two speakers differ on one or more dimensions, e.g. VERBAL FACILITY or SENSITIVITY - take the average of the two as the rating for the discussion on that scale. If they are only one scale point apart give the discussion the higher rating. *

1.5 WHOLE DISCUSSION vs. PARTS

Discussions pass through different phases of behavior on one or more dimensions - e.g., RELEVANCE or COMBAT - may vary at different points in the discussion. In general rate these dimensions according to the dominant trend, i.e., how would you characterize most of the discussion?

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[*] The decision to use 5 point scales was made after the raters were unable to establish satisfactory agreement in their ratings using 7 point scales in early rating trials. It would be desirable, especially from a statistical point of view, to rate on scales with 7 or more points, if inter-rater agreement can be maintained at an acceptably high level.

II. THE DESCRIPTIVE SCALES: RATING CRITERIA

2.1 VERBAL FACILITY

This scale measures the verbal skill of the discussants, i.e., clarity, fluency, articulateness and complexity of syntax and vocabulary.

2.11 DO NOT TAKE INTO CONSIDERATION IN THIS RATING

1. Long pauses between statements.
2. Lack of clarity due to outside noise interference or other mechanical problems with the recording.
3. Gross volume of verbiage.
4. Speededness of speech (unless very slow and halting indicating problems with articulation).
5. Intellectual quality of what is said.
6. Logical clarity of arguments.

2.12 ANCHORING POINTS ON THE SCALE:

1. Both discussants speak in vague, unclear or simplistic language. Cues to look for are:

    (a) a preponderance of simple sentences - unqualified, etc

    (b) rambling sentences whose meanings are obscure

    (c) statements which just trail off before completion

    (d) frequent occurence of expressions like "you know" in place of explicit articulation

    (e) painfully slow speech with frequent pauses indicating difficulty in expressing self

    (f) mumbling

N. B. The discussants do not have to display all of these traits. Even if only one of them is a marked feature of both discussants' speech, the discussion should be rated 1 on this scale.

3. This midpoint indicates a clear, reasonably articulate discussion without complex syntax and vocabulary. The norm is the verbal facility of the average high school senior.

5. Discussants are clearly above average and display a broad vocabulary and a sophisticated use of language, e.g., many complex sentences, use of conditional

statements, etc.

N. B. If discussants differ on these criteria take the average as the rating for the discussion. If they are only one scale point apart give the discussion the higher of the two ratings.

2.2 SENSITIVITY

This scale measures the responsiveness of the discussant to the substance of each other's statements.

2.2: ANCHORING POINTS ON THE SCALE:

1. Discussants ignore the substance of each other's statements frequently during the discussion. They present and (perhaps) support their own positions without taking into account what the other says (except perhaps with a perfunctory, "uh, huh, or yes..") for most of the discussion.

3. Discussants acknowledge each other's statements and show implicit sensitivity to the substance of each other's statements but rarely deal explicitly with the substance of those statements.

5. Discussants frequently deal explicitly with the substance of each other's statements. Major cues are paraphrasing, rephrasing or summarizing the other person's argument or position; also referring back to statements made earlier in the discussion.

2.3 EMOTIONALITY

This scale measure the amount of affect or "heat" in the discussion.

2.31 MAJOR CUES: raising voices, cutting in on each other, shouting.

2.32 ANCHORING POINTS ON THE SCALE:

1. Discussants show little emotion: rarely raise voices or interrupt each other; never shout. Marked absence of emotion.

3. Average affective involvement without marked emotionality. Discussants sometimes raise voices and interrupt each other but almost never shout.

5. Marked emotionality: voices are consistently raised; discussants frequently break in on each other without waiting for the other to finish; occasional or frequent shouting.

2.4 RELEVANCE TO MAIN ISSUES

This scale measures both proportion of relevant to irrelevant discourse and how much of the discussion focuses on the main questions raised in the case.*

3.41 N. B. Do not take into consideration the "internal" relevance of one statement to another within the dialogue. This is measured by the sensitivity scale.

3.42 ANCHORING POINTS ON THE SCALE

1. Most of the discussion is irrelevant or tangential to the issues in the case.

3. Almost all of the discussion is "relevant" but much of it is not explicitly related to the central issue(s) in the case.

5. Almost entire discussion is relevant and explicitly related to the central issue(s) in the case.

2.5 DISAGREEMENT

This scale measures the extent and intensity of disagreement on the issues raised in the discussion.** The extent of disagreement can be determined by taking note of the issues raised and whether or not the discussants disagreed on these issues. The more issues they disagree on the higher the rating. To rate intensity of disagreement, the rater must infer how strongly the discussants are committed to their respective positions, i.e., how far apart they are on the main issues.

2.51 Disagreement over basic value priorities should be rated more "intensive" than disagreement over factual issues, predictions, etc.

2.52 DO NOT confuse argumentative behavior with "intensive" disagreement on issues. People may argue vehemently over minor issues but be in general agreement on the major issue(s). Conversely, people may disagree fundamentally in a discussion but may not argue with each other very much.

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* A list of issues is provided to aid the rater on this scale.

** If discussion pairs are matched on the basis of initial disagreement on the main question(s) posed in the case for discussion, the ratings would tend to be distributed from 3 through 5 on this scale, unless the discussants quickly reach consensus on the issues raised. This may also apply to the combat scale (2.6).

2.53 ANCHORING POINTS ON THE SCALE:

1. General agreement on issues discussed. The discussants agree on the major issues and on most of the other issues raised. Only minor disagreements over relatively minor issues.

3. Fairly extensive disagreement over most issues raised but not intensive, i.e., discussants do not base their disagreement on strongly conflicting value positions, but rather on less fundamental grounds - e.g., conflicting predictions. Moderate disagreement on the main issues in the case.

5. Disagreement on most issues raised with intensive disagreement on most of those during most of the discussion. Discussants appear committed to opposing value positions and adhere to these throughout the discussion.

2.6 COMBAT POSTURE

This scale measures the amount of argumentation, or give and take, in the discussion, i.e., the degree to which the discussants seem intent on "winning the argument."

2.61 MAJOR CUES ARE:

1. challenging of factual claims - claims and counter-claims
2. explicit questioning of statements in a challenging manner

2.62 DO NOT take into consideration the extent of intellectual disagreement on the issues in this rating. Two people may disagree quite fundamentally but may choose not to engage in verbal combat over their disagreement.

2.63 ANCHORING POINTS ON THE SCALE:

1. Very little argumentation; few claims challenged; discussants seem to be deliberately avoiding conflict.

3. Moderate argumentation - about half of the discussion marked by extensive challenging - claim/counterclaim.

5. Discussants argue extensively throughout the discussion; both seem intent on "winning the argument."

2.7 MUTUAL INQUIRY

This scale measures the extent to which the discussants engage in behavior explicitly aimed at clarifying and resolving issues, "solving" the problem or problems posed by the case and seeking agreement on the issues in the case, as opposed to argumentation aimed at "winning."

2.71 CUES:

1. discussion of different possible "solutions" to the problem, i.e., compromises which might satisfy both sides.

2. raising issues (usually factual) that seem to bear on the "solution" and trying to bring evidence to bear on these.

3. explicitly summarizing and seeking points of agreement.

4. explicit issue stating, analysis of positions, and asking for clarification.

2.72 NOTE: Since the discussion task is more frequently perceived as "argument" rather than mutual inquiry, ratings of higher than 3 are likely to be rather rare.

2.73 ANCHORING POINTS ON THE SCALE:

1. Almost no mutual inquiry behavior exhibited.

3. A significant portion of the discussion is characterized by mutual inquiry behavior (roughly 1/3).

5. Most of the discussion is characterized by problem-solving, mutual inquiry type behavior.

2.8 REPETITION

This scale measures the extent to which the discussants repeat what they have already stated before without adding any additional information, reasons, etc., also the extent to which they rehash issues and positions already raised and discussed without adding anything to the previous round.

2.81 There will be some repetition in all discussions. If the amount of repetition does not seem at all excessive to the rater, rate a "2".

2.82 N.B. Do not count explicit SUMMARIZING as repetition.

2.83 ANCHORING POINTS ON THE SCALE

1. Unusually little repetition -- less than one would normally expect. Discussants consistently move forward to new points and rarely repeat those already made.

3. Rate 3 if there is a question that the repetition may be getting excessive - e.g., if discussants move along through most of the discussion without getting repetitious but then run out of gas and start going over the same route again toward the end.

5. Unquestionably repetitious discussion where discussants essentially repeat their basic positions over and over again without clarifying the issues or dealing with related issues.

III. THE GLOBAL QUALITY SCALE

There are no standardized criteria for rating this scale. A "1" is poor and a "5" is very good. The norm is the range of performance one would expect for the group being rated -- not for some ideal performance in the mind of the rater. In general terms the QUALITY SCALE is a measure of the extent to which the issues raised in the discussion are clarified and/or resolved and how well the discussants supported their positions in the discussion.

IV. ADDITIONAL CHARACTERISTICS

4.1 PARTICIPATION

This is a dichotomous category. Check "Generally balanced" unless it is quite clear that one person is monopolizing the discussion. DO NOT rate dominance of one person over another unless one person does most of the talking. If the rater feels that there is a definite tendency for one person to do most of the talking, but not enough to monopolize the discussion, put a question mark (?) beside "Grossly imbalanced."

4.2 INVOLVEMENT

This is a check on whether or not the discussants seem to be taking the discussion seriously. Check satisfactory unless it is clear to the rater that the discussants are just fooling around or discussing things not related to the case for most of the time. DO NOT score occasional joking, humor, or going off on tengents as "unsatisfactory," as long as the discussants address themselves to the task most of the time. However, if the rater feels there is a real question about whether to score "Satisfactory" or "Unsatisfactory" use the question mark (?) option noted in section 4.1.

V. A NOTE ON THE "CONTINUITY" SCALE (see rating form)

This scale was included in the original set as a measure of the extent to which the discussants stuck with the issues they raised until they were resolved or clarified and the extent to which the discussants made explicit transitions when moving from issue to issue in the discussion. Efforts to get reliability ratings on this complex dimension failed and the raters were unable to agree on conventions to increase reliability. The scale was therefore dropped.

8. The Discussion Analysis Categories: Scoring Manual

THE DISCUSSION ANALYSIS CATEGORIES

SCORING MANUAL

SECTION I: GENERAL INSTRUCTIONS

The set of 16 categories to be described below is designed for serial scoring of statements made in small group discussions of controversial issues. The categories have been used to score two-man dialogues from tape and from typed transcripts. Although on-the-spot scoring of live discussion behavior with this set of categories might be possible as well, the problem of achieving acceptable reliability for assigning statements to categories would be compounded under conditions of "live" scoring.

Each category represents an "operation" or class of operations. An "operation" may be defined here under two general categories: (1) JUSTIFICATION PROCESS - a statement or question which serves to give or ask for clarification or justification of a person's position or of a claim he has made; (2) COMMUNICATION PROCESS - a statement or question which is directed at the progress and process of the discussion rather than the substance, i.e., statements where the speaker steps outside of the substantive issues to talk about the discussion itself. [1]

The scoring sheet provides a horizontal row for each of the 16 categories and spaces for summing the totals for each category and subtotals for each of the two major groups of categories. (See sample score sheet) The scoring sheet also provides a sequentially numbered column for each complete "utterance" made in the discussion, regardless of how long or short that statement might be. Each complete utterance is called an "act." (see section 1.1 on unitization conventions for further explanation) The scorer may tally as many different operations as he can identify in any single complete act or he may tally no operations in that column. In either case the scorer should move from left to right across the score sheet as the discussion proceeds from act to act. The completed score sheet should provide the following information:

(1) A sequential record of the occurrence of the operations encompassed by the category system on an act by act basis.

(2) A frequency total for the tallies in each category for the whole discussion. (If, in a two-man discussion the speakers can be identified, it would also be possible to obtain a total for each discussant separately.)

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1. A third group of categories, labelled DEBATE TACTICS was originally included in the system, but later dropped as they occurred so rarely in the sample of discussions scored. The categories in this group were FALSE CLAIMS, PERSONAL ATTACK, RHETORICAL QUESTIONS and EMPATHIC APPEAL (explained in section 4.2).

(3) Sub totals for each group of categories and for all scored operations in the discussion.

(4) A record of the total number of acts in the discussion.

The scorer is encouraged to listen to short segments of the discussion and play back individual statements at first until he becomes sensitized enough to the positions of the speakers and to the operations as they occur in ordinary language. With training and practice the scorer may eventually be able to score most discussions with virtually no stopping or playing back of statements (provided that the taped record is clear enough of course). However, at the beginning it is advisable to occasionally play back short sections of a tape to check for operations that might have been missed the first time through.

1.1 GENERAL CONVENTIONS FOR SCORING

1.11 Only one tally may be made for any category in any given act (as represented by a column on the score sheet).[2]

1.12 Do not tally individual statements within acts under more than one category except as specifically noted in this instruction manual. However, different operations which occur in different statements within a single act may be scored in the same column.

1.13 Repeated statements are not scored except for SPECIFICATION, REFERENCE TO CASE and PROBE.

1.2 UNITIZATION CONVENTIONS

There are two scoring units to keep in mind when scoring with this system:

1.21 The "ACT" - An "act" is a complete utterance spoken by one of the discussants.[3] It ends either when the speaker stops and waits for a response or when another person successfully breaks in to make his own statement. The latter criterion poses some problems for the scorer when verbal exchanges are short and rapidfire or when two people try to talk at the same time. In the short, rapid interchanges the problem is mainly one of keeping up with the shifts. In the case of two people attempting to talk at the same time the general rule is not to shift to the next act unless the person who was speaking first is actually interrupted. That is, shift only if the first speaker yields or if it is clear that his train of thought has been broken by the other speaker's comment. IF IN DOUBT, DO NOT SHIFT.

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[2] This arbitrary convention was adopted mainly because of difficulty in obtaining agreement on the total counts for high frequency categories, i.e., SPECIFICATION, REFERENC TO CASE, CONDITIONALS, due to multiple occurrence of these operations within acts. Although the scorers could agree on whether or not these operations occurred at all within an act, they could not agree on how many times they occurred within some acts.

In a more sophisticated discussion where people use more complex arguments, it might be desirable to drop this restriction for some of the higher level (but low frequency) categories, i.e., CONSISTENCY, DEFINITION or ANALOGY.

[3] The "act" is a scoring unit only in the sense that it constitutes a discreet segment of behavior within which "operations" may or may not be tallied. An "act" may consist of one word (e.g., "why?", or it may be a long speech or brief in behalf of the speaker's position. The chief advantage of this arbitrary unit is that it allows the scorer to keep track of the speakers in a two-man discussion. Separate category scores for each discussant can thus be obtained. The "act" unitization also provides a rough index of the intensity of interactio in the discussion, i.e., many short exchanges vs. fewer long ones.

1.211 DO NOT count repeated exclamations or perfunctory acknowledgments as separate acts unless they occur in response to discreet questions or statements followed by a noticeable pause for an answer.

e.g., "uh hum....uh hum...."
"yes....yes...."
"No!....No!...."

1.22 THE "OPERATION"

This is the basic scoring unit. It is defined in terms of its dynamic function in the discussion, but it may be identified by reference to specific verbal cues or static statement forms. An operation is a complete thought or statement. It may be a single word, e.g., "Why?" (scored as PROBE); or it may be a long detailed description of a hypothetical situation, (scored as ANALOGY). More than one operation may occur within a single act and would be scored as such under different categories. Although the conventions in this manual are designed to minimize double scoring of single statements within acts, some double scoring is unavoidable due to overlap between some of the categories. Some examples are given below:

1.221 "I don't think that Gary is more deserving than Pete because the case says that his grades were the same as Pete's."

Score REFERENCE TO CASE for "the case says" and SPECIFICATION for the supporting statement of evidence.

N. B. With the exception of REFERENCE TO CASE, as in this example, Do not score a statement under SPECIFICATION if it can be scored under another category.

1.222 "We can't resolve the question of who is more qualified, so let's discuss the issue of Pete's right to pass out those pamphlets on the draft."

Score DISCUSSION PROCESS for summarizing and setting an agenda and ISSUE STATING for making the points at issue explicit.

1.223 "What I'm trying to say is that if the scholarship is given to Pete the funds for the future scholarships may be withdrawn and other students will suffer."

Score CLARIFICATION for "What I'm trying to say is..." and CONDITIONAL for the "If...then..." statement that follows.

1.30 THE "CONTEXT" FOR SCORING

1.31 Most operations may be scored solely within the context of the act in which they occur, without reference to the preceding or following acts. However, there are certain restrictions on this general rule noted below:

1.32 Scoring supporting statements (SPECIFICATION) may require that the scorer refer back to the preceding act to identify the supported statement

1.33 Since repeats are not scored, the scorer may have to refer back to an earlier part of a discussion to determine whether a statement is the same or different. N. B. This should be a fairly rare occurrence as most repeats occur in close proximity to each other.

1.40 FRAMEWORK OF THE "OBSERVER" (i.e., SCORER)

The scorer should assume the role of the neutral outside observer, analyzing the statements made by the discussants. The general framework for construing the discussion behavior is what a statement does or what its intent seems to be in the discussion.

1.41 The scorer is not asked to evaluate the effectiveness (as opposed to the effects) of an operation or the quality of an operation. Even though the quality of evidence, analogies, distinctions, etc. varies considerably all receive equal weight, i.e., a superficial distinction gets the same score (one tally mark) as a profound one.[4.]

1.42 By the same token, the scorer is not asked to evaluate the internal consistency, logic or relevance of statements made in the discussion. Categories like CONSISTENCY and RELEVANCE are scored only when one of the discussants explicitly shows concern for one or another of these problems in the discussion.

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4. We adopted this convention after several unsuccessful attempts to make reliable discrimination between "good" and "weak" quality operations. Since really "good" operations occured so rarely in the sample of discussions scored, the scorers were faced with the unhappy choice of either setting rigid standards which would result in very few scored operations and many zero frequency totals or of virtually ignoring considerations of quality which would result in the scoring of much low level "junk" along with the more valuable operations. The nature of the sample of discussions and the desire to obtain category frequencies high enough to be treated statistically led us to choose the latter alternative. This intermingling of wheat and chaff obviously vitiates the claim that these categories represent "valuable operations" in discussion of controversial issues. Possibly, with a sample of more sophisticated, complex discussions the standards could be raised high enough to exclude the junk.

1.43 Although we have tried to minimize the degree of inference required to assign "operations" to one or another of the categories, some inference as to the intent of the speaker is required in some cases, e.g., to distinguish between a CLARIFICATION question and a PROBE question. The general rule is do not read any more into the speaker's intentions than you can support by what he actually says.

A CAVEAT ON THE APPLICATION OF THE CONVENTIONS IN THIS MANUAL.

Most of the conventions outlined in this manual were adopted to meet the scoring problems posed by only one sample of about 95 taped dialogues gathered for the Social Studies Project Evaluation. We would expect that some conventions would have to be revised, and others dropped or added if this category system were used to score a different sample, e.g., of more sophisticated adults or college students, discussing the same case or a different case.

SECTION II: JUSTIFICATION PROCESS CATEGORIES: I

2.1 SPECIFICATION (SPEC)

This category is scored whenever a discussant gives factual evidence or examples either to support or challenge a more general factual claim (generalization), or as "reasons" to support a policy recommendation. The most common context for this operation is a policy recommendation followed by "because" followed by a factual claim which tends to support the policy statement:

> e.g., Gary should get the scholarship because he is a more dependable, stable, hard-working student.

Conventions:

2.11 In order to be scored as SPECIFICATION a supporting statement must be contiguous to the statement it supports, either in the same act or in the preceding act (e.g., as when evidence or examples are cited to support or challenge another person's position or claim). The general rule is that the general claim or policy recommendation must be stated explicitly and immediately before or after the supporting statement.[5]

> e.g., "Gary is more dependable and stable and hard-working, so he should get the scholarship." (This would be scored SPEC just as the reverse form of the statement was illustrated in the previous example.)

2.12 A factual claim used as evidence to support or challenge another factual claim is scored SPEC if it is more specific than the claim it supports or challenges. If both claims are of the same level of generality do not score SPEC. (N. B. This convention does not apply to general factual claims used as "reasons" in support of a policy statement.)

> e.g., Score SPEC for: "Pete's a troublemaker. Look how he started a student strike because the principal told him to get a haircut."
> Do not score SPEC for: "People on relief just don't want to work for a living. Whenever they are offered a job they find some reason for turning it down."

---

[5] This convention was adopted because in most discussions almost any factual claim could be construed as supporting or challenging one or another person's position. The process of attempting to link supporting statements to supported statements required more inference on the part of the scorers than was desirable. This led to wide discrepancies in total frequency counts for this category. The problem was resolved by adopting stringent conventions (this one and the "one per act" rule), even though this would result in the exclusion of otherwise legitimate SPECIFICATION operations from the count.

2.13 SPECIFICATION is scored only once in an act regardless of how many examples or how much evidence is given. Thus a "string" of supporting examples is tallied as a single SPEC operation. Also if two or more distinct claims are made and supported within a single act, SPEC may be scored only once for that act.

2.14 Hypothetical examples stated in the conditional form are not scored under SPEC. They are scored under CONDITIONALS (see section 3.1).

> e.g., "Even a pacifist may compromise his beliefs under certain conditions. What if his own family were under attack by a mob?" (Score CONDITIONAL only.)

2.15 "Defining" a concept by giving a specific example or examples is scored SPECIFICATION (not DEFINITION).

> e.g., "Violent revolution" is like what happened in Detroit last summer.
> "Pornography" is like that book you have there.
> "A 'good' lawyer" is one like Bailey.

2.16 Asking for evidence, examples, justification, etc. is not scored SPEC. It is scored under PROBE (see section 4.2).

2.17 N. B. Do not score a statement under SPECIFICATION if it can be scored under another category (REFERENCE TO CASE excepted). Do not double score SPEC with any other category except REFERENCE TO CASE (see section 2.2) or SOURCE (see section 3.7)

2.2 REFERENCE TO CASE (REF)

This category is scored whenever a discussant makes an explicit reference to the document ("case") being discussed; but it is only tallied once in any given act. Scoring is based strictly on verbal cues without reference to context.

Conventions:

2.21 The most common cues used to refer to the document are:

> "The case says..."
> "It says..."
> "The story says..."

2.21 Score REF for "They say..." only if this is followed by a specific reference to the document:

> e.g., "They say on page 8..."
> "They say in this story that..."

2.22 REF may be double scored with SPECIFICATION:

> e.g., "Peter has more potential. It says that his English teacher thought his writing was creative and original."

SECTION III: JUSTIFICATION PROCESS CATEGORIES: II

3.1 CONDITIONALS: PREMISING/IMPLICATIONS (COND)

This is a composite category made up of a variety of statements which generally take the form "If....then...." [6]

3.11 Score COND for any statement in the conditional form, e.g., "If....then....", "unless....", "....but...." except QUOTES from the case being discussed.

3.12 Score predictions under COND when they are of the "if....then...." form.

3.13 Do not score COND for statements in the conditional form which attempt to point out an inconsistency between a person's actions and ideals, principles and behavior, means and ends, etc. Score these only under CONSISTENCY (see section 3.2).

> e.g., "If he agrees to serve in the army in a non-combatant job, he'll be going against his own beliefs that the war is morally wrong."

3.14 Do not score conditional statements which attempt to play on the emotions of another person, i.e., "EMPATHIC APPEAL" STATEMENTS: [7]

> e.g., "What if you were in Joe's shoes? How would you vote then?" then?"
>
> "Suppose your mother got a letter like that? How do you suppose she would feel?"
>
> "How would you feel if it was your brother who was being drafted?"

---

[6] This is another instance where the inability of the scorers to achieve satisfactory agreement on scoring operations requiring a high degree of inference led us to reduce the operations to their lowest common denominator, i.e., the conditional statement form - in the interest of reliability. The net result is that many low level statements of dubious value are scored because they meet the syntactical criterion and it is not possible to separate these from the few (if any) really valuable operations in the total frequency count for a discussion.

[7] "EMPATHIC APPEAL" was originally one of a group of disvalued categories termed "DEBATE TACTICS." Although this may be a persuasive strategy in cases, it can easily be dismissed on a rational basis and therefore does not contribute to rational persuasion or clarification.

Among the more valuable operations which tend to occur within the context of "if....then...." type statements are the following:

3.15 Premising - stating certain limiting conditions to a general claim or position OR posing hypothetical conditions which would tend to challenge a claim or position.

> e.g., "What if we were at war? Would you still allow citizens to protest the war publically?"
> "If you could show me that Pete was really subversive I might change my vote on the scholarship."

3.16 Raising Implications - pointing out one or more logical implications of a position or recommended course of action either in support of the position or policy (positive implications) or to challenge or question the policy (negative implications). In effect this operation consists of a premise or general policy or position followed by a prediction of the logical consequences of this action.

> e.g., "If the draft-card burners are severely punished, other young people who would not be sympathetic otherwise, may view them as martyrs and join the war protest movement."
> "If everyone paid his fair share of taxes, churches and colleges included, the tax rate could be kept at its present level or even lowered."

3.17 Stipulating - a special case of premising where the stipulative nature of the premise is more explicit. (If it is so explicit that the speaker actually states that he is making this stipulation for the sake of the argument, the operation would also be scored under DISCUSSION PROCESS.)

> e.g., "Let's just say that Joe decides to vote for Gary as the safer choice. Is that the kind of leadership people want in Congress?"
> "O.K. Let's assume for the moment that both candidates are qualified for the job. On what basis can the voters choose except their race issue?"

3.2 CONSISTENCY (CONS)

This category is scored for explicit statements of concern for the consistency of a person's position or for the consistency of the behavior of the people in the case under discussion.

3.21 Score CONS for any explicit claim that another person is contradicting himself or is being inconsistent in any way:

> e.g., "But you were for Peter a minute ago, and now you're for Gary." (Score DISCUSSION PROCESS also, see section 4)
> How can you say that Joe should abstain from voting when you said before that he should stick up for his beliefs which were

the same as Peter's?" (Score PROBE and DISCUSSION PROCESS also)

"How can you condemn Peter's actions when you agree with his views on the war?" (Score PROBE also)

3.22 Score CONS when a statement suggests a paradox or inconsistency between ideals and actions, means and ends, or two values:

e.g., "Joe Harrison is fighting for good government and to end corruption and yet he is going against these principles by bowing to public pressure in the scholarship case."

"The U.S. claims it's for peace, but it keeps escalating the war."

"If the School Committee doesn't give the scholarship to the boy who really deserves it most, they're going against the whole idea of a scholarship."

3.23 Do not double score a statement under both CONSISTENCY and CONDITIONAL even when it takes the "if....then...." form. Score CONSISTENCY only (as in the last example in 3.22).

3.3 SUBSTANTIVE RELEVANCE (REL)

This category is scored when a discussant shows concern for the relevance of an issue, argument or piece of evidence to the MAIN ISSUE in the discussion by claiming that it should be included or excluded as the case may be. It is not scored when a discussant explicitly questions the relevance of another person's statement to the previous statement.[8]

conventions:

3.31 Score REL when a discussant asserts that certain evidence or a certain issue should or should not be taken into consideration in resolving a particular issue:

e.g., "Pete's political views should not even be considered in deciding who gets the scholarship."

"Joe has to take into account the possible effect of his choice on his chances for election in the coming campaign."

"Vietnam shouldn't be an issue in this decision."

---

[8] Originally the category RELEVANCE included both "substantive" and "procedural" relevance. However, we wished to preserve as many distinctions between substantive and procedural operations as possible. By "substantive relevance" we mean the relevance of particular facts, evidence or sub-issues to the main issue in the case. "Procedural relevance" refers to the relevance of one statement to another in the discussion or to expressions of concern for "sticking with the topic or issue" under discussion.

3.32 Score questioning the relevance of another person's statement under DISCUSSION PROCESS, not RELEVANCE (see section 4.4).

e.g., "What does that have to do with my last point?"
"You're getting off the main issue."
"But you didn't speak to my point."

3.4 DEFINITION (DEF)

DEF is scored for statements which explicitly show a concern for the meaning of a word or phrase used in the discussion, OR for the criteria which distinguish two categories raised in the discussion.

conventions:

3.41 Score DEF when a discussant explicitly asks for the meaning of a word or phrase used in the discussion:

e.g., "What do you mean by 'justice'?"
"Are you using the word 'equality' in absolute terms or do you mean equality of opportunity?"
"I don't understand what you mean by "police brutality'?"

3.42 Do not score requests for clarification which do not specify the word or phrase to be clarified under DEF; score CLARIFICATION instead (see section 4.1).

e.g., "What do you mean by that?"
"I don't see your point."

3.43 Score DEF when a discussant explains the DISTINCTION between two categories which he has asserted are "different".

e.g., "That's not bravery; it's stupidity. A brave person acts with the realization of the dangers involved. This guy didn't even know he was in danger.
"There's a difference between murder and homicide. Murder is a crime by definition; homicide may be justifiable."

N. B. In both of the examples above the category DISTINCTION would also be scored for the initial statement (see section 3.5).

3.44 Score DEF when a discussant explains what he means by a word or phrase used in the discussion only when he does so by providing general criteria rather than specific illustrative examples. Definition by reference to specific examples is scored under SPECIFICATION.

e.g., Score DEF for: "By 'justice' I mean fair play, not punishment."
Score DEF for; "Violence is the actual use of physical force, not simply the threat to do this."
Score DEF for: "A 'national emergency' is when the security of the country is threatened by an outside enemy or a domestic crisis."

Score SPEC for: "Violence is like what went on in Watts."
Score SPEC for: "By 'national emergency' I mean things like the Depression or World War II.

3.5 DISTINCTION (DIST)

This category is scored whenever a speaker asserts that two people, actions, objects, events or statements are different is some specified way. The speaker need not elaborate on the nature of the difference to get a DIST score; but if he does proceed to make the criteria explicit he gets an additional score under DEFINITION.

conventions:

3.51 Score DIST when a single category is used to differentiate between two classes of objects, people, events, etc., but not when it is used to differentiate between individual people, events, etc.

e.g., SCORE: "People have sensitive feelings, but animals don't."
DO NOT SCORE: "Pete is sensitive, but Gary isn't."
SCORE: "The Chinese are fanatic Communists, but the Russians aren't."
DO NOT SCORE: "Mao is a fanatic but Kosygin isn't."

3.52 Score DIST when two different categories are used to describe a single event, person, etc., or a class of events, people, etc.

e.g., "He does his work, but he's unimaginative."
"That's not brave; it's stupid."
"Pete's not a creative individualist; he's a troublemaker."
"You call sticking up for your rights being a troublemaker?"
(Score this also under PROBE/QUESTION, see section 4.2)

3.53 Score DIST when two different categories are used to differentiate between two different people, events, actions, etc.

e.g., "Pete is creative but erratic, while Gary is more conventional but dependable."
"World War II was clearly a case of outside aggression, but Vietnam is a civil war."

3.54 Semantic distinctions are also scored DIST.

e.g., "He should vote for Pete, but he probably would vote for Gary."

3.55 DO NOT SCORE the simple assertion "That's different!"

3.56 DO NOT SCORE DIST when a speaker uses categories GOOD and BAD, RIGHT and WRONG or other general evaluative categories to differentiate between people, events, etc.

e.g., "Gary is a better candidate than Pete."
"It's O.K. to protest the war, but not to burn your draft card."

3.6 NEED FOR INFORMATION (NEED)

This category is scored when a speaker acknowledges that there isn't enough factual information available to resolve an issue.

3.61 Score NEED when speaker acknowledges inadequate information (as above).

e.g., "They don't tell us enough about Gary to really tell what he's like and whether he'll do well in college."
"We don't know enough about the town to predict how the voters will react."
"We really ought to know how people like this actually do when they get into college."

3.62 DO NOT score NEED for simple expressions of ignorance, self doubt, or speculation about the future:

e.g., "I don't know."
"I wonder who Joe Harrison will vote for?"
"I wonder what will happen to Pete if he doesn't get the scholarship?"
"I'm confused." (score CLARIFICATION, see section 4.1)

3.63 DO NOT score requests for factual information given in the case:

e.g., "How much scholarship money does it say they have to give?"
"I forget what this guy Harrison's job was. What does it say?"

3.7 SOURCE (S)

SOURCE is scored when a speaker specifically cites a document or other authority in support of a claim or his position, except when the document cited is the case under discussion (in which case REF is scored).

3.71 Score SOURCE when a speaker alleges that the case is biassed in some way.

e.g., "This case is all about Pete. It doesn't tell you anything about Gary."
"I think the authors want to build up sympathy for Pete in spite of his way-out views on the war."

3.72 Score SOURCE (in addition to SPECIFICATION) when evidence or supporting statements are cited from a specific source:

> e.g., SCORE: "The New York Times reported a poll that more people are opposed to the conduct of the war than are in favor of it now."
>
> DO NOT SCORE: "The newspapers are turning against the President's policies."

3.73 Score SOURCE when the authenticity or fairness of a document or "authority" is questioned explicitly in the discussion:

> e.g., "You can't go by what the TIMES says because it's a liberal/conservative paper anyway."
>
> "How can the guy write about this country when he's never even been over there?"

3.8 GENERAL FRAMEWORK (GF)

Score GF for statements which make a general value judgment or a general factual claim set forth in universalistic and/or absolute terms.

The "function" of such claims in a discussion is that they reveal some of the speaker's general system of beliefs, i.e., his general frame of reference - for looking at the world, especially as it applies to the issues being discussed. Since people often use general value judgments and other general claims as "reasons" to support their positions on issues, GENERAL FRAMEWORK may be considered as part of the "justification process." [9]

3.81 Score all General Value Judgments GF. By "General Value Judgments (GVJ)" we mean a categorical statement which indicates that the speaker thinks a policy, decision or action is good or bad, right or wrong, justifiable or unjustifiable in terms of some general ethical, moral or legal principle.

> e.g., "Killing is wrong."
>
> "Everyone has the right to express his opinion about what the government does."
>
> "People should be able to live their own lives in any way they see fit as long as they don't interfere with other people's rights."

---

[9] In an earlier version the category GENERAL FRAMEWORK also included the dynamic operations of construing a problem or situation in terms of a broader conceptual framework and raising an issue to a more general level. In practice most of these operations were picked up by the category ISSUE STATING (see section 4.3). To eliminate double scoring we restricted GF to the kinds of statements outlined above.

3.811 A general value judgment (as defined here) appeals to a general value explicitly or implicitly. Among the major values commonly used to support policy recommendations are: freedom of expression, freedom of conscience, personal liberty, the right to do as you see fit with your own property, equality of opportunity and Constitutional guarantees of due process.

3.812 Common language cues for general value judgments are:

e.g., "Everyone has the right to...."
"Everyone should have the right to...."
"It's wrong to...."

3.82 DO NOT SCORE Specific value judgments (SVJ), i.e., any value judgment or statement of personal preference which is not stated in terms of some universal ethical, moral or legal principle.

e.g., "It's wrong for Pete to start a strike over the dress code." (SVJ)
"It was wrong for the Committee to deny Pete the scholarship because of the letter in the newspaper." (SVJ)

3.83 DO NOT SCORE specific policy recommendations:

e.g., "People who burn their draft cards should be drafted and sent to Vietnam."
"Joe should stick up for his principles regardless of political risk."

3.84 Score GF for general claims stated as universal imperatives:

e.g., "To be a freelance writer you have to face the fact that you'll probably never enjoy financial security."
"Countries have to resort to military force where their vital national interests are at stake."
"Politicians have to make a lot of promises to get elected."

N.B. Common cues for statements of this type are "You have to...." or "you can't...." where "you" is used impersonally to mean everyone.

3.9 ANALOGY (AN)

ANALOGY is scored when a discussant cites a specific situation or case, real or hypothetical, which either supports or challenges a position on an issue of policy, values or definition (but not a factual issue).

The basic form of this operation is the EXPLICIT or IMPLICIT assertion that two seemingly different events, situations, policies, acts, etc., are in fact alike in one or more crucial ways.

conventions:

3.91 Score ANALOGY when a speaker explicitly asserts that two seemingly different acts, events, policies, situations, etc. are alike in some important way. The nature of the similarity may be explicitly stated or implicitly understood.

e.g., "Capital punishment is just like murder."
"Committing a person to a mental institution for an indefinite period is just like sentencing a person to life imprisonment."

3.911 But do not score AN if the nature of the similarity is not clear or if it would not be clear to the average observer with only common knowledge about the events or acts cited.

3.912 Do not score if you are in doubt as to whether the comparison is relevant to either position in the discussion.

3.92 Score hypothetical cases prefaced by stipulative phrases like: "What if....", "Suppose that....", "Let's say that...." under ANALOGY. Do not double score CONDITIONAL even though the statement is of the "if....then...." form.

N. B: But the situation which follows must be a different situation from the one it is being compared to. If the speaker only alters one or more contingencies within the context of the situation under discussion, score CONDITIONAL for the premising operation, but do not score ANALOGY.

e.g., Score ANALOGY for: "What if Pete had burned his draft card instead of just passing out anti-war literature. Would you revoke his scholarship then?"
Score CONDITIONAL for: "What if it were wartime?"

3.93 Score common historical EXAMPLES used to support historical-predictive generalizations under ANALOGY.

e.g., "If you don't take a stand against an aggressor right away you'll have more trouble later. Look what happened after Munich."
(NOTE: the general claim preceding the analogy would be scored under GENERAL FRAMEWORK.)

3.94 Do not score ANALOGY for evidence cited in support of factual claims except as noted in 3.93. The general rule is that cases cited to support or challenge positions on issues of policy, values or definition are scored ANALOGY. Cases cited to support or challenge factual claims are scored SPECIFICATION except historical events cited in support of historical-predictive generalizations which are scored ANALOGY.

3.95 Do not score both ANALOGY and SPECIFICATION for the same operation.

3.10 WEIGHING/QUALIFICATION (W/Q)

This is another composite category as the double label indicates. In general, score W/Q when a speaker explicitly grants exceptions to or modifies his position; or when he "weighs" the alternatives on an issue before taking a position.

conventions:

3.101 Score W/Q whenever a person explicitly acknowledges that a particular piece of information is damaging to his position, even if he doesn't modify his stand in response to it.

> e.g., "Gary does seem more stable and responsible, but I think that Peter has more potential for leadership."
>
> (NOTE: If the speaker was for Peter, simply making the first half of the statement above would be enough to score W/Q.)

3.102 Score W/Q whenever a speaker concedes a point at issue.

> e.g., "I admit that Pete appears to be more creative and original, but why take the risk of his changing his mind?"
> "O.K. I guess I'd have to agree that they are about equally qualified academically, but what about that letter on Vietnam?"

3.103 Score any acknowledgement of the relevance or importance of another person's argument to the speaker's position.

> e.g., "Your point about Peter....(followed by summary of what other person had said)....would have to be taken into consideration, but...."

3.104 Score W/Q whenever a speaker juxtaposes two alternatives in an act regardless of whether he is genuinely "hung up" over the conflict or he is doing this to knock down one side and boost the other: Common language cues for this "weighing" operation are:

> "On one hand....; but on the other...."
> "Despite the....; I still think...."
> "Even though...."
> "....Nevertheless...."
> "Although...."

3.105 Score W/Q when a speaker explicitly modifies his position.

> e.g., "O.K. Let me restate my position. I'd be against any kind of government censorship, except during time of war or when there is a clear and present danger to the public welfare."

3.106 Score W/Q whenever a person states his position in qualified terms, i.e., with certain conditions attached to it.

> e.g., "I'm for free speech as long as it stays within the limits of community standards of decency and the requirements of national security."

3.107 DO NOT SCORE W/Q when a person shifts his position without showing that he is aware of having done this. That is if the scorer thinks a speaker has modified his position but the speaker gives no evidence that he knows he has done so, don't score W/Q.

3.108 Do not score expressions of self-doubt.

e.g., "Maybe I'm wrong but,...."
"I'm not sure this is true, but...."
"I don't know,.... Maybe...."

SECTION IV: COMMUNICATION PROCESS

With the possible exception of the category PROBE/QUESTION the operations in this group are more concerned with the process of the discussion itself than with the substance of the argument. These operations are, for the most part, readily identified by distinct verbal cues and may be double scored with one or more of the JUSTIFICATION PROCESS categories. Just as with the other categories, only one tally per category per act is permitted regardless of how many times the operation may occur in that act.

4.1 CLARIFICATION (CLAR)

This category is scored for statements which express confusion about the discussion and/or ask for clarification of that confusion. It is also scored for statements which explicitly indicate that the speaker is trying to explain his position more clearly to the other person in the dialogue.

4.11 Score CLAR for explicit expressions of confusion about the topic or issue or problem being discussed.

e.g., "What are we trying to decide here?"
"What are we talking about?"
"I'm confused about this case...."
"Are we supposed to decide how Joe should vote or how we would vote?"

4.12 SCORE explicit requests for another person to clarify or repeat a statement or group of statements as CLAR, unless the request is clearly for the meaning of a word or phrase (which would be scored under DEFINITION).

e.g., "What do you mean by that?" (also score PROBE/QUESTION, section 9.2)
"Exactly what are you trying to say?"
"I don't see your point."
"I don't follow you. Could you repeat that again?"
"Could you be a little more definite?"

4.13 Score CLAR when a speaker explicitly states that he is trying to clarify his position or a statement, regardless of whether the subsequent statement actually clarifies his stand. (NOTE: These would also be scored under DISC PROCESS.)

e.g., "What I'm trying to say is...."
"By this I mean...."

4.14 When it seems clear to the scorer that a request for clarification is intended as a challenge to the other person's position double score PROBE/QUESTION along with CLARIFICATION.

e.g., "What are you getting at?"
"So what's your point?"

4.15 When in doubt as to whether an expression of concern for the meaning of a statement is directed at a particular word or phrase (DEF) or at the whole statement score CLAR.

4.16 Do not score a statement under CLARIFICATION if it can be scored under another more specific category - e.g., DEFINITION, SPECIFICATION, ISSUE STATING, (except PROBE).

4.2 PROBE/QUESTION (PROBE)

This is a posture category which will frequently be double scored with other justification categories. It is scored whenever a speaker explicitly questions another person's statement or position, regardless of whether the question is directed at a specific point - e.g., "What do you mean by 'Police brutality'?" (also scored DEF) or is a general challenge (i.e., "Why not?")

4.21 N. B. Score PROBE only for questions which come at the end of an act, i.e., questions followed by a pause for a response.

4.22 Do not score rhetorical questions, i.e., questions which the speaker answers himself or expects no answer to.

4.23 Do not score questions about the factual content of the case:

e.g., "Who is Joe Harrison?"

4.24 Do not score requests for orientation or expressions of confusion

e.g.,"What issue are we discussing now?" (score this CLARIFICATION)

4.3 ISSUE STATING (IS)

This category is scored for any explicit attempt to frame a problem in the case or the discussion in terms of a question or issue or conflict of alternatives. The major cue for scoring such a statement as IS is that it be prefaced by one of the following cues (or an interchangeable variant of them):

e.g., "The point is...."
"The issue is...."

"The problem is...."
"The question is...."
"The matter is...."

4.31 Score IS even if the cue words are not stated but are implicit in the statement as long as the scorer can reasonably infer that the speaker is in fact "stating the issue" as he sees it.

e.g., "We really have to decide (the issue of) whether or not a person has the right to use taxpayers money for personal purposes."
"Let's talk about (the question of) how Joe Harrison should vote on the scholarship."

NOTE: The above statements would also be scored as "agenda setting" under the category DISCUSSION PROCESS.

4.32 If the cue words are used, however, the "issue"may be stated in fragmented or shorthand form:

e.g.,"The issue is Pete's right to free speech...."
"The problem is money...."

4.33 Speculative statements about the probabilities of an event occuring in the future, i.e., predictive "issues", are score IS only if preceded by one of the cues above.

e.g., Score: "The problem is how is the town going to react if Joe votes for Pete?"
Do not score: "How will the town react....etc...?"

4.34 Do not score IS for the statement of problem posed explicitly in the case, especially when this occurs at the beginning of the discussion.

e.g., "O.K. So let's talk about who gets the scholarship - Pete or Gary."

4.4 DISCUSSION PROCESS (OTHER) (DP)

This is another composite category which covers other operations concerned with the process rather than the content of the discussion, and may be double-scored with other JUSTIFICATION and COMMUNICATION PROCESS categories. DP includes agenda setting, summarizing, paraphrasing, questioning relevance of statements, and explicit refering back to statements made earlier in the discussion. Specific verbal cues are major identifying features of DP.

4.41 Score statements about the agenda of the discussion:

e.g., "Let's talk about the Vietnam letter issue."
"We haven't even considered the question of censorship in this case yet."

"We settled the question of their qualifications before. What about their political views?"
"I think we have to consider the effect of Joe's vote on his election chances before we can decide if he was justified."

4.42 However, do not score statements about the substantive relevance of an issue (REL, see section 3.3) unless it is accompanied by an explicit DP verbal cue.

e.g., Score REL only for -- "They shouldn't even consider a person's political views in deciding who gets the scholarship."
Score REL and DP -- "I don't think we should consider Pete's political views in deciding who gets the scholarship."
OR -- I think we have to consider...etc...."

4.43 Score statements which explicitly question the relevance of one statement to another or to the whole discussion as DP.

e.g., Score DP for: "What does that have to do with how Joe should vote?"
"You didn't answer my question."
"You're talking about legal rights. I'm talking about moral obligations."

4.44 Score general concern for relevance of discussion.

e.g., "I think we're getting off the subject...."
"This isn't really relevant (or "it's a side issue") but...."

4.45 Score summary statements which attempt to delineate areas of agreement and disagreement in the discussion.

4.451 Score DP for the statement "We agree." even if the speaker does not state what they agree about.

4.452 Score DP for "I agree/disagree...." or "You agree/disagree...." only if the speaker states what they agree or disagree about.

4.46 Score statements which attempt to summarize or paraphrase another person's position. Some common cues are:

e.g., "What you're saying is...."
"What I think you're trying to say is...."
"That's true....(followed by paraphrasing of person's statement)."
"So now you think that...."

4.47 Score explicit references back to statements or arguments made earlier in the discussion:

e.g., "We've already settled that issue."
"But earlier you said...."

"As I said before...."
"I'd like to get back to my first point...."

4.48 Score statements in which a speaker attempts to structure his argument (Individual agenda setting):

e.g., "I want to make three main points on this question...."
"I have two different reasons for favoring Peter...."

9. SAMPLE SCORED DISCUSSION : ANNOTATED

(Discussion #2693)

(1) A: Well, I feel that, following this case, that Gary would be the one who should get the scholarship, simply because he is the person who would be the more valuable to his country, his community, the nation.

(A refers to the discussion document: score REF to CASE; and gives reasons to support his claim that Gary should get the scholarship: score SPECIFICATION)

(2) B: I don't think it's a question of his value to his country. I think Peter should get the scholarship, mainly because he is just as qualified as Gary, and I think he has more imagination; he likes to express his points; he doesn't care about other people's ideas; he's independent, which is a good thing. And when he spoke up against the country, he was just exercising his right to freedom of speech, and if you can't do that in this country, the country isn't really any good.

(B challenges relevance of the issue raised by A to the decision: score SUBSTANTIVE RELEVANCE; then he supports his claim that Pete has good qualifications for the scholarship: score SPECIFICATION; he also construes the problem in terms of the general value of the right of free speech: score GENERAL FRAMEWORK; also score CONDITIONAL for the "if....then...." statement)

(3) A: That's true. But isn't there the possibility that Pete would be the one, if he did get the scholarship, get a free education, and then go over to the other side, simply because he is using articles to show how to avoid the draft; he's showing that our position in Vietnam is not good, and...

(A points out possible negative implications of giving Pete the scholarship: score CONDITIONAL; also supports assertion with examples of Pete's activities: score SPECIFICATION)

(4) B: I didn't say, I mean, it was never implied that he was going to go over to the other side. He just didn't agree with the policy. He was never going to go over to the other side.

(B asserts there is a difference between disagreeing with a policy and "going over to the other side": score SPECIFICATION)

(5) A: But he is showing ways to avoid certain basic laws of the United States. "What is the Draft?" - it's called - I can't remember tha name of it - "How to Avoid the Draft"...?

(A cites evidence that Pete is trying to "avoid basic laws of the U.S.": score SPECIFICATION)

(6) B: That's right, so?

(B accepts the claim but questions its importance: score PROBE/QUESTION)

(7) A: So here he's trying to get away from any policy that he thinks is wrong....

(A explains what he thinks is wrong with Pete's actions: score CLARIFICATION)

(8) B: That's right.

(9) A: He is not the majority. While Gary is another kind of person who follows United States policy. He makes up his own mind. He also can be an individual, but he realizes that what the United States is doing you have to stick up for, because it's your country.

(A construes the problem in terms of the necessity of "sticking up for your country", i.e., going along with the majority: score GENERAL FRAMEWORK)

(10) B: When you said he was a minority - it doesn't make any difference whether he's a minority or a majority, he was just saying what he thought was right, and he was just stating his own opinion, and you can't condemn a person for that which is what all these people on the School Board were doing. Just because he spoke up against his country, he wasn't really speaking up against his country, just of their policies. And in doing so, he was trying to help his country. And the people on the School Board who had their set ways pounded into them just didn't like this idea. That's why they wanted to give it to the other guy, and they said, "I won't let anybody take my money away from me..."

(B challenges relevance of this framework: score SUBSTANTIVE RELEVANCE; also rephrases A's statement: score DISCUSSION PROCESS; then he reconstrues the problem in terms of his own frame of reference - the right of a person to his own opinions: score GENERAL FRAMEWORK; he also distinguishes between "being against your country" and against a policy: score DISTINCTION)

(11) A: Well, now, we can look at it another way, by saying that each one has a set opinion. One, of course, is going against what the United States is doing, that's Peter; and Gary is going for the United States.

(A suggests a new way of looking at the problem in the discussion: score DISCUSSION PROCESS)

(12) B: They're both going against it.

(13) A: In the Vietnam policy, one's for and one's against it. Both are stating their own ideas. Now which one...

(A clarifies his statement #11: score CLARIFICATION)

(14) B: But that's just discussing one thing....

(15) A: Now, I'm saying that Gary is more qualified in other aspects. Besides that, maybe he didn't become an individualist; he wasn't afraid to go against the country. I kind of feel that he needs the support more. By getting this support, scholarship, he would be a more valuable citizen than Pete would. And I base my conclusion on this on, I think he has done more for his school by....

(CLARIFICATION and SPECIFICATION)

(16) B: You are saying that we would be a more valuable citizen. When anybody goes into a school and hands out things about the John Birch Society, he's committing just as much damage to the country as people who say how to avoid the draft. He's just pointing the country in the other way. He's not looking to help his country. Well, maybe he is looking out for his country, but in the same way, it's still against the country's policy, because the policy of the country is not to have organizations like the John Birch Society.

(B restates A's position: score DISCUSSION PROCESS; points out implications of Gary's actions: score CONDITIONAL; qualifies his claim that Gary is not looking to help his country: score QUALIFICATION; makes general claim that John Birch Society is against U.S. policy: score GENERAL FRAMEWORI

(17) A: But you just said that he is trying to help his country, do you want....
(DISCUSSION PROCESS)

(18) B: He's trying to help his country; that's what I said about Peter....
(DISCUSSION PROCESS)

(19) A: Do you think Peter is still trying to help his country by trying to show people how to avoid the draft? Do you really mean....
(CONSISTENCY and PROBE)

(20) B: That's a petty question. I mean, how to avoid the draft has nothing to -- it's a little question in the whole aspect of the country's policy - it's just part of it. He's speaking up against the whole policy, and avoiding the draft is just part of it.
(Score SUBSTANTIVE RELEVANCE and DISTINCTION)

(21) A: But he is doing things that are showing him as a troublemaker, more or less, by having students rebel. Even in his early years he was a troublemaker. Now what I'm saying....
(SPECIFICATION)

(22) B: John Birch Society rebels....

(23) A: Wait a minute. I'm not saying, I'm not saying it was right or wrong for the teachers to say that the hair should be cut short, but it was a rule, and because he didn't like it, he decided to stage a walkout.
(CLARIFICATION)

(24) B: He didn't stage the walkout. The other students did.

(25) A: Yes, but he was the head....

(26) B: So, he was the head. He was already out of school at the time. I think....

(27) A: No, it was his sophomore year.

(28) B: He was out, I mean they had already thrown him out. I think it was just a little spark that made the rest of the students ill at ease with the problem here. They thought, I mean, it wasn't just him, it was the whole student body, because if it was just him, the whole student body wouldn't have done this.
(CONDITIONAL)

(29) A: It wasn't the whole student body, it was just 200 students. But I'm saying that wasn't right, was it?
(SPECIFICATION; PROBE)

(30) B: That was enough....

(31) A: Well, was that right that the students.... They're not the heads now. Do students actually in this case, does he have the right to show, to do something, to go against the rule? If he wanted the rule changed, he could try to get it changed. He doesn't make the rules, the laws of the school or the school code....
(ISSUE STATING; CONDITIONAL)

(32) B: That's true, but....

(33) A: He has to obey them.

(34) B: He's supposed to obey them, but when this interferes with him... He was doing it to... I mean, he wasn't doing it just to rebel against the school. He was doing it for a purpose. Now, his long hair was for a band, right? And he was making money by this, and if he was going to make money, and if his long hair was going to interfere with his making money, and if they had to cut it short, then it would be interfering with

his whole life, and he wasn't just doing it for himself, he was doing it for himself, he was doing it to help his family....
(DISTINCTION; SPECIFICATION; CONDITIONAL)

(35) A: I agree there, but it was a rule, and he was not supposed to break that rule.

(36) B: Well, they why after he got thrown out of school for having long hair did the students commit this demonstration, and why were the rules studied and changed after that?
(PROBE)

(37) A: They were changed...maybe because the faculty makes the rules and the student body, the student council, as they call it here, found that Pete had a legitimate case. Maybe if he had talked....

(38) B: Well, then how can you say he was causing trouble?
(CONSISTENCY and PROBE)

(39) A: Because he could have done it in a more easy manner by discussion with them. Discussion with the leaders, rather than....

(40) B: Do you think discussion would have brought such prompt action?
(PROBE)

(41) A: Maybe not, but he could have got it done. Maybe it would have taken maybe a month longer - maybe two months longer - but he still could have done it following the rules. Because we don't like something, that doesn't give us the right to go against it -- break the law. That was the law. No, it was a rule....
(GENERAL FRAMEWORK)

(42) B: It was a rule, and he, when he was brought before the board, before he got thrown out of school, he told the principal why he had, he explained the situation and the principal wouldn't listen to him. Therefore he got thrown out of school, and the only way anything coulg get done around there was by action. Talking wasn't going to do any good, he tried that, so the school went through with the actions - the students went through with the actions to prove their point.
(CONDITIONAL and SPECIFICATION)

(43) A: Yeah, and it was effective, right? We both agree that it was effective?
(DISCUSSION PROCESS)

(44) B: Right....

(45) A: But all I'm saying is that it wasn't right.
(CLARIFICATION)

(46) B: Why wasn't it?
(PROBE)

(47) A: Because it was going against the rules. That's all I'm saying.
(SPECIFICATION)

(48) B: Did he try before going against the rules? Did he try and stop whatever....
(PROBE)

(49) A: He didn't give it enough time. He didn't even - it says here - after he performed at a dance - at an intermission of a dance - the then talked - gave his point... He does say how the principal does refuse to see him. If you'll notice he says that when the student delegation tried to present their points to the principal, he refused to see him.
(REFERENCE TO CASE and SPECIFICATION)

(50) B: That is right.

(51) A: But I still feel that you could gain a little more... Rather than first going to the principal, going to other faculty members first and then working his way up. He might have got some action done rather than deciding, "Can't see the principal - we'll take more drastic actions - we'll walk out" - as 200 students did - marched out of school in the protest.

(52) B: That's right, but he thought, when the principal called the boys into the office, he told them, if they didn't get their hair cut, they were going to get in trouble. They tried to explain their long hair as, it says in the case study, a "professional costume" right? And then he said, "Mr. Noblung, why should we listen to you? It's our own private business how we have our own hair. I mean, what difference does it make to you?" And this guy wouldn't listen to reason really. If you look at it, he wouldn't listen to reason. If they wouldn't follow his rules, he wouldn't listen to their point of view, because he thought he was right, and if people think they're right, they'r not going to listen to other people's point of view.
(REFERENCE TO CASE; CONDITIONAL; GENERAL FRAMEWORK)

(53) A: You said it didn't make any difference to him, that's what Peter said, to the principal, the fact that his hair was long because it was for his living....
(A paraphrases part of B's statement: score DISCUSSION PROCESS)

(54) B: Why should it make a difference to him?
(PROBE)

(55) A: Why actually it does make a difference to the....

(56) B: ....the image of the school.

(57) A: The image of the school, the image of the town....

(58) B: That's right....

(59) A: Even - it says here how the rule was demanded of the principal because of town officials, and the superintendent's office was getting complaints. It does really make a difference to all. Everybody sees it from a different point of view. Same as the "image of the school," so Peter draws the image down; while Peter honestly thought that his long hair was a better image for him, because it brought him money from the band... But, all it is, is that he went about it in a, I would say, like a rabble-rouser.
(REFERENCE TO CASE and WEIGHING)

(60) B: How?
(PROBE)

(61) A: By protest and marching out.
(SPECIFICATION)

(62) B: Now, wait a second....

(63) A: No, marching out....

(64) B: Now, wait a second. He said the principal said, you know, gives him a week to have their hair cut, right?

(65) A: Right.

(66) B: So they could think about it. It says in the case study that the boys discussed their situation. I mean, they talked it over, and they didn't go out right away and go out fighting....
(REFERENCE TO CASE)

(67) A: When they said they discussed the situation, I think they mean here that they discussed it among themselves, not with other people - didn't try to have people see their point of view - they didn't....
(DISTINCTION)

(68) B: They discussed it, but meanwhile, if you'd look at it after that... "Peter circulated a petition among the student body calling for abolition of the school dress code, right?
(REFERENCE TO CASE; SPECIFICATION)

(69) A: Right.

(70) B: OK, now that shows that they were trying to do things before actions, right?

(71) A: Right. But does it say anything about faculty being involved? And they're the ones who count, aren't they? They're the ones who do make the rules, whether....
(REFERENCE TO CASE; PROBE)

(72) B: They make the rules, but they have nothing to do with the... You see, that's it. They make the rules, but they don't understand students' feelings. In order to make good rules the faculty has to understand the students' feelings, and I think we are getting off the point really...
(GENERAL FRAMEWORK; also DISCUSSION PROCESS for relevance statement)

(73) A: OK, well, so far I have said that I think he is a troublemaker, and you said, no, he isn't, because he's just trying....
(A attempts to summarize both positions in the argument; score DISCUSSION PROCESS)

(74) B: He isn't the troublemaker....

(75) A: No, these are just two things that we are disagreeing on. Now, to get forward on who should get the scholarship - I think we both agree that the qualifications - their grades - are fairly equal and the recommendations, too.
(A continues his summary and tries to get back to main issue; score DISCUSSION PROCESS and ISSUE STATING)

(76) B: Right.

(77) A: OK. So far we can't seem to agree on the point that one's a troublemaker and one's not. Let's look at who would make a better student in college. Would it be one who supports or feels strongly about supporting our country and would make a better citizen, or someone who goes against his - our country's policy? Does it have to be...
(A suggests they move to a new issue: score DISCUSSION PROCESS and ISSUE STATING)

(78) B: I thought we decided that both of them go against their country's policy - one in one direction and one in the other....
(B challenges A's construction of the issue; Score DISCUSSION PROCESS)

(79) A: OK. Who would make a better student; who deserves it more?
(QUALIFICATION; PROBE)

(80) B: You can't say who would make a better student....

(81) A: Oh, I think you can.

(82) B: Because it's been proven before that you can't tell from high school experiences. If some person is lazy through high school and gets the incentive during college, he would make a better student than someone who gets all A's in high school. And when Pete decided when he really wanted something, as he did, you know, he had different moods and things during his four years during high school, he did very well in them.
(CONDITIONAL for general claim; SPECIFICATION for specific reference to Pete)

(83) A: OK. My personal belief is which is probably the main reason why I do what I do, is that I don't think we should support anybody who goes against the policy where we are almost, not in yet, but almost in a state of war, where lives are at stake, and someone says they're fighting for the freedom that their children can enjoy. Now, obviously Gary feels that we should continue, and Peter feels that we shouldn't. This is where I feel that he is not, shall we say....
(A gives a more detailed and qualified rationale for his position: score QUALIFICATION)

(84) B: Let me ask you a question. Do you like war?
(PROBE)

(85) A: No, personally, I don't like war, but I will....

(86) B: Do you like seeing people getting killed?
(PROBE)

(87) A: No.

(88) B: All right.

(89) A: But I will uphold our position simply because we're fighting for our....

(90) B: I am just saying, if you had a chance to help your country stop the fighting, to make peace, would you try to do it?
(CONDITIONAL; PROBE)

(91) A: Depends what the outcome would be... If it would mean....

(92) B: If the outcome was peace.
(CONDITIONAL)

(93) A: OK, if the outcome was peace. Could we achieve peace in another way by becoming victorious? (PROBE)

(94) B: In other words, you're looking for victory, too.
(DISCUSSION PROCESS)

(95) A: Well, I think the country's policy is looking for peace - I don't think they're looking to win anything, but again we're getting off the point - we're discussing Pete's attitude toward his country, and I don't think his attitude is bad for this country. He just doesn't believe in a few of the policies. He believes in the overall policy of democracy and things, but he doesn't believe in the way we're going about it. And if any person, as I said before, if any person can't express his own view in this country without being ridiculed, then this is not a true democracy which is what it is proving to be.
(DISCUSSION PROCESS; DISTINCTION; GENERAL FRAMEWORK; CONDITIONAL)

(96) A: Look at this thing - remember in the article someone says, "Gary looks like a fine boy, would be a credit to the town and his country. We can use a little more of this kind of patriotism these days..." Isn't it true that he shows more patriotism? Just, no, if you disagree, then show me how you don't think he is... Let's say more patriotic.

(REFERENCE TO CASE; CONDITIONAL)

(97) B: More patriotic than Peter?

(CLARIFICATION)

(98) A: Right.

(100) B: Well, anyone... He again is not being patriotic to his country - he's leaning on the other side of the fence over there because when he, when anybody, hands out John Birch Society leaflets, he's really saying that his country is wrong in their policy, and they should be more to his side. And Peter is saying they should be more to the other side. And you can't say either one of them is right. They're both not exactly towards the specific policy. But in the overall, they're both the same, they both feel that the United States is a democracy, and they express their point of view. Whereas Pete's stand is a little more uneasy with the people, I mean the people don't like it as much as somebody who wants to go out and fight, but they can't ridicule him. I mean, all the people on the Board say that if he's going to think like this, he's against the country, which is not true, and when the meeting came up, I think that the discussion they had was mostly political.

(WEIGHING)

(101) A: Yeah, I just noticed where it says one of the board says all we talk about is the political problems, then he goes back, of course, to the qualifications, and, of course, we see that the qualifications are similar.

(REFERENCE TO CASE)

(102) B: Well, when they were discussing it then the school board....

(103) A: Do you think, jumping the track for one second, since we haven't agreed on which should get it... Do you think that the qualifications of the candidates - they're equal, and though the two students disagree with each other - do you think that the board should decide on a person who will help their image, the board's image, or decide on one that was to help....

(A explicitly recognizes he is shifting the issue: score DISCUSSION PROCESS; PROBE)

(104) B: Well, the board wanted, you see, that's just it. In today's society everything is based on everything else. Such as, where they were discussing Joe's candidacy for Congress. Now if he had voted one way, then his chances for being elected a Congressman, just because he took one stand, would be greatly reduced, because it was against Vietnam. Whereas if he just went along the way everyone told him to, and knew what his own feelings were then he'd be the same way. And I personally think that neither one of them should get the full scholarship, because they are too closely qualified. I think they should each get part scholarships.

(GENERAL FRAMEWORK; CONDITIONAL; WEIGHING/ QUALIFICATION)

(105) A: OK, you may find this hard to believe, but I tend to agree with you, simply because of the fact if there was an even vote, and it came to the fact of who would Harrison vote for, I kind of feel that, unfortunately, in this type of society, he would vote for the person who would better his image, which is wrong, and we both have our

strong opinions about how each boy measures up, and I think that we both feel strongly that ours is equal to that of the other boy's.

(A predicts Joe Harrison's vote and tries to sum up: score CONDITIONAL and DISUCSSION PROCESS)

(106) B: In other words, I haven't changed your mind in the least.
(DISCUSSION PROCESS)

(107) A: No, and I don't think I've changed your mind either, have I"
(DISCUSSION PROCESS)

(108) B: No, well, I feel that....

(109) A: Then it could be that both boys should get a partial scholarship and with this board voting on who they think would be the best qualified, if they could make up their mind, not on who would present a better image to further their position.
(CONDITIONAL)

(110) B: I feel that the way it is with people, it's more of a - it started off as a simple thing about a person saying something about his country, but it really ended up to be a main social problem, which is everybody's image in the eyes of other people. And that's the problem. I think that's one of the problems of this country. Because if you don't do something - everything is a chain reaction, and if you don't do something right, if you don't do what one person says is right - a person higher up in the levels than you are - then even though you feel that it is right, it's against what they think is right, and you're only hurting yourself that way. And it's becoming a country where you have to follow the set pattern. Where if you go against the set pattern believing the way that you do, then everybody thinks you're against the country, which is wrong.
(B attempts to place the problem in the case into a broader context: score CONDITIONAL; GENERAL FRAMEWORK)